

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 12 NUMBER 47

Washington, Friday, March 7, 1947

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 29—RETIREMENT

The regulations under this part which were revised February 24, 1947, effective May 1, 1947 (12 F. R. 1336), are further revised as follows:

Sec.	
29.1	Administration.
29.2	Evidence.
29.3	Applications.
29.4	Time for filing applications.
29.5	Disability retirement; medical examination.
29.6	Effective date of retirement.
29.7	Computation of interest.
29.8	Military service.
29.9	Designation of beneficiary.
29.10	Designation of agent.
29.11	Disclosure of information.
29.12	Joint and survivorship annuities.
29.13	Making of voluntary deposits.
29.14	Purchase of additional annuity.
29.15	Appeals.
29.101	Basic records.
29.102	Maintenance of individual retirement account.
29.103	Certifying officers; signature cards.
29.104	Retirement deductions.
29.105	Tontine; based on pay status in calendar month.
29.106	Reemployed annuitants.
29.107	Reports of retirement fund transactions.
29.108	Set-off on account of indebtedness to the Government.

AUTHORITY: §§ 29.1 to 29.15, inclusive, issued under sec. 17, 46 Stat. 478; 5 U. S. C. 709; §§ 29.101 to 29.108, inclusive, issued under sec. 12 (a), 46 Stat. 476, 5 U. S. C. 724.

§ 29.1 *Administration.* (a) The Commission shall have charge of the adjudication of all claims arising under the retirement laws, and of all matters directly or indirectly concerned with such adjudication.

(b) In the adjudication of claims arising under the retirement laws, the Commission shall consider and take appropriate action on counterclaims filed by the Government as set-offs against amounts in the retirement fund involved, and shall likewise consider and take appropriate action in adjusting illegal salary payments in violation of laws pertaining to dual service, subject to final decision by the Comptroller General.

(c) The Commission shall maintain a control account for each department and independent establishment; for this pur-

pose, departments and establishments shall make reports of appointments and separations and annual summaries of retirement fund transactions.

§ 29.2 *Evidence.* (a) (1) Civil Service Commission Form 2806 (Retirement Account) shall be the basic record for action on all claims for annuity or refund, and those pertaining to deceased employees or annuitants.

(2) Form 2806 shall contain a record of all service creditable under the Retirement Act, civil and military, and a record of all retirement deductions made, showing the beginning and ending dates of each period covered by such deductions. Whenever practicable in certifying service for which deductions were not made, the aggregate basic salary earned and the amount of tontine involved, by calendar years, shall be shown. Any change of date or salary on the service history side, or in the first three columns of the fiscal side, of Form 2806 shall be certified. Any leave without pay in excess of 6 months in a calendar year shall be noted.

(3) Immediately upon the absolute separation of an employee for any reason (or upon interdepartmental transfer) Form 2806 shall be completed to date, certified as to its correctness, and, after proper entry therefrom has been made on the "Register of Separations", sent to the Civil Service Commission. In no case shall the retirement record card be held in a department or establishment awaiting the receipt of a claim.

(b) When loss or destruction or incompleteness of records in the Government offices concerned is shown, a request shall be made through the Commission to the General Accounting Office for such data as may be deemed necessary for a proper determination of the rights of the claimant. When the required information cannot be developed by any official record, inferior or secondary evidence then becomes admissible and should be requested.

§ 29.3 *Applications.* (a) All applications under the Retirement Act shall be filed with the Commission and shall be made on such forms as may be prescribed by the Commission.

(b) Applications for annuity and for retirement on account of total disability, except disability applications filed by a

(Continued on p. 1533)

CONTENTS

Agriculture Department	Page
Rules and regulations:	
Milk handling in Fort Wayne, Ind., area	1533
Alien Property, Office of	
Notices:	
Vesting orders, etc.	1579
Abraham, Sarah	1581
Blass, Marguerite	1581
Carlstadt Mutual Loan and Building Assn. Liquidating Corp.	1579
Doerner, Albert F.	1579
Einfalt, Gebruder, et al.	1575
Fujikawa, Kiyomo, et al.	1581
Hamlin, Wendell	1579
Hartje, Amalie	1580
Hauser, Mary E.	1576
Ingrisch, Elsa	1577
Jacobs, Pauline	1577
Kozai, Kiichiro	1577
Kuechler, Annemarie	1574
Liebig, Mary M.	1580
Miller, Theodor	1580
Richtoff, Harry	1582
Stahl, Karl F.	1577
Vogel, Philipp Jacob	1578
Wirth, Philipp	1578
Witthohn, Amandus	1578
Zepf, Frances	1580
Rules and regulations:	
Substantive rules:	
Property acquired after specified dates	1544
Consent to transfer	1544
Property acquired on or after Jan. 1, 1947	1544
Atomic Energy Commission	
Rules and regulations:	
Redesignation of title	1544
Civil Service Commission	
Rules and regulations:	
Retirement; revision of regulations	1531
Civilian Production Administration	
Rules and regulations:	
Fabrics, cotton and rayon, for processing in Puerto Rico (M-328, Revocation of Dir. 32)	1543
Provisions applicable to textiles, clothing and related products	1545
Veterans' emergency housing program; preparing CPA-4423 applications (VHP-I, Dir. 2)	1547



Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The **FEDERAL REGISTER** will be furnished by mail to subscribers; free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the **FEDERAL REGISTER**.

CONTENTS—Continued

Coast Guard	Page
Rules and regulations:	
Certificates and continuous discharge books; issuance.....	1573
Deck and engineer officers and motorboat operators, licensing and registration of staff officers.....	1550
Licensed officers and certificated men:	
Bays, sounds, and lakes other than Great Lakes.....	1572
Great Lakes.....	1572
Ocean and coastwise.....	1572
Regulations during emergency.....	1573
Tank vessels.....	1572
Licensed officers; rivers.....	1573
Requirements for all motorboats except those of over 15 gross tons carrying passengers for hire.....	1572
Requirements for motorboats and motor vessels of more than 15 gross tons carrying passengers for hire.....	1572
Seamen, certification.....	1566
Federal Communications Commission	
Notices:	
Shields, Helen B., et al., hearing.....	1583
Proposed rule making:	
Broadcast stations, non-commercial educational.....	1574
Rules and regulations:	
Fixed public radio services; transmission of call letters (2 documents).....	1573

CONTENTS—Continued

Federal Power Commission	Page
Notices:	
Mid-Continent Gas Transmission Co. et al., hearing.....	1583
Interstate Commerce Commission	
Notices:	
Lumber, unloading at Portland, Oreg.....	1583
Rules and regulations:	
Car service; substitution of refrigerator for box cars.....	1574
Traffic, routing; restriction of export food from Pacific northwest.....	1573
Land Management, Bureau of	
Notices:	
Oregon; stock driveway withdrawal revoked.....	1582
Price Administration, Office of	
Rules and regulations:	
Sugar (3d Rev. RO 3, Amdt. 39).....	1548
Securities and Exchange Commission	
Notices:	
Hearings, etc..	
Arkansas-Missouri Power Co.	1585
Buffalo Niagara Electric Corp. and Niagara Falls Power Co.....	1586
Derby Gas & Electric Corp. et al.....	1584
Great Northern Gas Co., Ltd.....	1585
Middle West Corp.....	1586
National Gas & Electric Corp.....	1584
Northeastern Water Co.....	1586
Pennsylvania Power & Light Co. et al.....	1585
Red Bank Oil Co.....	1584
Rules and regulations:	
Suspension of trading, withdrawal, and striking from listing and registration.....	1544
State Department	
Rules and regulations:	
Organization and functions; establishment of Foreign Service Institute.....	1545

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

Title 5—Administrative Personnel	Page
Chapter I—Civil Service Commission:	
Part 29—Retirement.....	1531
Title 7—Agriculture	
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)	
Part 932—Milk in Fort Wayne, Ind., marketing area.....	1538
Title 8—Aliens and Nationality	
Chapter II—Office of Alien Property, Department of Justice:	
Part 503—Substantive rules (3 documents).....	1544

CODIFICATION GUIDE—Con.

Title 11—Atomic Energy	Page
Redesignation.....	1544
Title 17—Commodity and Securities Exchanges	
Chapter II—Securities and Exchange Commission:	
Part 240—General rules and regulations, Securities Exchange Act of 1934.....	1544
Title 22—Foreign Relations	
Chapter I—Department of State:	
Part 1—Organization.....	1545
Part 2—Functions.....	1545
Title 32—National Defense	
Chapter IX—Office of Temporary Controls, Civilian Production Administration:	
Part 3290—Textile, clothing and leather (2 documents).....	1545, 1548
Part 4700—Veterans' emergency housing program.....	1547
Chapter XI—Office of Temporary Controls, Office of Price Administration:	
Part 1407—Rationing of food and food products.....	1548
Title 46—Shipping	
Chapter I—Coast Guard: Inspection and Navigation:	
Part 10—Licensing of deck and engineer officers and motorboat operators and registration of staff officers (Merchant Marine officers and seamen).....	1550
Part 12—Certification of seamen (Merchant Marine officers and seamen).....	1566
Part 25—Requirements for all motorboats except those of over 15 gross tons carrying passengers for hire.....	1572
Part 27—Requirements for motorboats and motor vessels of more than 15 gross tons carrying passengers for hire.....	1572
Part 36—Licensed officers and certificated men (tank vessels).....	1572
Part 62—Licensed officers and certificated men (ocean and coastwise).....	1572
Part 78—Licensed officers and certificated men (Great Lakes).....	1572
Part 96—Licensed officers and certificated men (bays, sounds, and lakes other than the Great Lakes).....	1572
Part 115—Licensed officers (rivers).....	1573
Part 138—Rules and regulations for issuance of certificates and continuous discharge books (seamen).....	1573
Part 155—Licensed officers and certificated men: regulations during emergency.....	1573
Title 47—Telecommunication	
Chapter I—Federal Communications Commission:	
Part 3—Radio broadcast services (proposed).....	1574
Part 6—Fixed public radio services (2 documents).....	1573

CODIFICATION GUIDE—Con.

Title 49—Transportation and	Page
Railroads	
Chapter I—Interstate Commerce	
Commission:	
Part 95—Car service.....	1574
Part 97—Routing of traffic....	1573

department or establishment, must be executed before two identifying witnesses.

(c) Applications for the payment of accumulated deductions, or of accrued annuity and/or unexpended balance, must be executed before two witnesses who must certify to the identity of the person filing the claim. Applications for refund shall be executed before two identifying witnesses.

§ 29.4 Time for filing applications.

(a) An application for annuity on account of age may be filed shortly before or at any time after the employee reaches the requisite retirement age, but such application should not be filed more than 30 days in advance of reaching retirement age. In cases of optional retirement, the application must be executed before the actual date of separation.

(b) An application for immediate or deferred annuity on account of voluntary or involuntary separation from the service will not be considered if filed before the employee's separation.

(c) An application for retirement on account of disability must be executed by the employee prior to the applicant's separation from the service or within 6 months thereafter. This time limitation may be waived by the Commission in the cases of employees who are found to have been mentally incompetent at date of separation or within 6 months thereafter, the application in such cases to be filed with the Commission within one year from the date of restoration of any such person to competency or the appointment of a fiduciary, whichever is the earlier.

Request or order by the department or other governmental agency for retirement of an employee for disability must be filed prior to the employee's separation from service. If application for disability retirement is submitted upon an inappropriate form, or upon an appropriate form inadequately or incompletely executed, within 6 months from date of separation from the service, such application may be accepted as an informal claim provided the claimant immediately or within a reasonable time thereafter submits a properly executed application upon the appropriate form.

§ 29.5 Disability retirement; medical examination. (a) When an applicant for retirement on account of total disability has established a prima facie case and no legal grounds for rejection exist, such applicant shall be ordered to appear for a medical examination before a medical officer of the United States or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commission. When the application is accompanied by a report of examination already made by a medical officer of

the United States, it may not be necessary to require another examination.

(b) The order for annual examination by the Commission shall direct the annuitant to be medically examined within 30 days from and after the anniversary of the date on which he was retired upon annuity for disability. This provision, however, may be modified so that the annual medical examination may take place within 30 days from and after the expiration of one year from the date of the last medical examination.

(c) When a medical examination made in compliance with the direction of the Commission shows that the annuitant has recovered and has been restored to an earning capacity which would permit him to be appointed to an appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position. In no case shall the continued payment of the annuity exceed one year from the date of the medical examination showing recovery. If the annuitant shall be reemployed in the Government service within the one year, the annuity shall be discontinued at the close of the day preceding the date of such reemployment.

(d) The Commission, where it appears in any particular case that the nature of the disability is such as to warrant the conclusion that it will continue for a certain period, may, in the exercise of its authority, waive the requirement for regular annual examinations for the period during which there is reasonable expectation of continuation of the disability, but in any case a medical or other examination may be ordered at any time to determine the facts relative to the nature and degree of disability of any employee thus retired.

(e) If the evidence shows that the disability is permanent in character, further examination shall not be ordered, unless warranted, and the annuitant shall be notified accordingly.

§ 29.6 Effective date of retirement.

(a) When an employee reaches retirement age, either on the first day of a month, or on any other day within a month, his annuity shall commence on the first day of the succeeding month. In such cases the employee will not be subject to automatic separation until the end of the month in which such age is attained, and credit for service shall be given for the period between the date of reaching retirement age and the beginning date of annuity.

(b) When an employee retires on account of disability, the annuity shall commence on the first day of the month succeeding the termination of pay status, or on the first day of any subsequent month, as the case may warrant. In such cases, credit for service may be given for the period between the termination of pay status and the beginning date of annuity if the employee is carried on the rolls of the department during such time.

(c) In cases of optional retirement, the annuity shall commence on the first day of the month following separation;

in cases of discontinued service retirement, the annuity payments shall begin the first of the month following attainment of age 62, or date of separation, whichever is the later, if the employee resigned from service or was discharged for cause; if the separation was involuntary, not by removal for cause on charges of misconduct or delinquency, the individual may receive an annuity to begin the first of the month following attainment of age 62, or the first day of the month following separation beyond that age, or he may elect to receive a reduced annuity beginning the first of the month following attainment of age 65, or following separation if beyond that age.

§ 29.7 Computation of interest. (a) The commercial method, that is, computation on the basis of 30 days to the month, is adopted. Interest will be computed for the actual time involved in each case, but whenever applicable the rule of average will obtain.

(b) In all cases, interest shall be allowed on current deductions, deposits, and redeposits at the rate of 4 percent, compounded annually, through all periods of service. When an officer or employee subject to the Retirement Act is transferred to a position wherein he does not retain his retirement status, and is entitled to refund of deductions with interest, the interest will terminate with the last day of service in the former position; and when an employee becomes absolutely separated from the service before serving five years, interest on deductions will terminate with the last day in service. A fractional part of a month in the total service in any calendar year shall be disregarded, and no interest shall be allowed unless the service covered by the refund aggregates more than one year. After an employee has completed five years or more of creditable service, interest shall be allowed at the rate of 3 percent, compounded on December 31 of each year, during periods of separation from and after January 24, 1942. No interest will be allowed beyond the date of last separation unless a period of ninety days has elapsed from date of such separation to date of approval of refund claim. If an employee who reaches retirement age at any time during a month is continued in service to the end of the month, interest shall be allowed to the end of the month.

(c) Service credit deposits and redeposits made by potential annuitants separated from service after serving at least five years will draw interest at the rate of 3 percent, compounded annually, during the separation period until beginning date of annuity.

(d) Interest at the rate of 3 percent, compounded annually, shall be allowed on voluntary deposits during periods of employment, and, after the employee has completed at least five years' service and acquired a retirement status under the act of January 24, 1942, during periods of separation until refunded or beginning date of annuity.

§ 29.8 Military service. (a) Periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States which do not form the

basis for pension, retired pay, or compensation under any law shall be included in crediting service under the Retirement Act.

(b) An applicant for annuity who is in receipt of benefits on account of his term of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States, may elect to surrender said benefits and to have the service upon which they are based added to his period of civil service for the purpose of obtaining a greater benefit in the form of annuity. Should it appear upon the adjudication of a claim for annuity that the claimant will benefit by the inclusion of military or naval service, and the relinquishment of benefits based thereon, he shall be so advised and permitted to exercise the right of election.

§ 29.9 Designation of beneficiary.

(a) The designation, change, or revocation of beneficiary shall be in writing on the prescribed Form 2806-1, signed and acknowledged in the presence of two witnesses personally acquainted with the designator, neither of whom shall be named as beneficiary, and must be received in the Commission prior to the death of the designator.

(b) Any person, firm, corporation, or legal entity may be named as beneficiary.

(c) A revocation or change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary. Alterations or insertions restricting the right to change or revoke a designation cannot be given any force or effect. No change or revocation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by the regulations of this part shall have any force or effect.

(d) Where a writing, other than Form 2806-1, signed by the designator and duly witnessed by two persons, is received in the Commission prior to the death of the designator, in which a clear and unambiguous revocation or change of designation of beneficiary is made in substantially the same manner as that provided on Form 2806-1, and the designator dies without confirming the change or revocation by the execution of the prescribed Form 2806-1, the revocation or change shall be given the same effect as if executed on Form 2806-1. *Provided however*, That the Commission shall, upon receipt of said writing, forward a blank Form 2806-1, to the designator at the last address furnished by him for confirmation on that form of the previous writing which shall become null and void if (1) death occurs 60 days after the filing of the first form, and (2) if no confirmation is received on said Form 2806-1 within said period.

(e) A designation of beneficiary or a change or revocation of beneficiary may be made only by an employee subject to the act whose name is borne on the rolls of the department or independent establishment at the time of execution thereof, or by an annuitant, actual or potential.

§ 29.10 Designation of agent. In the case of a claim for amount due a deceased employee or annuitant where no beneficiary has been named and no ex-

ecutor or administrator has been appointed, but claim is made by next of kin, and if there be more than one entitled thereto, it shall be permissible for the others to designate the one who makes the claim to act as agent to receive their distributive shares.

§ 29.11 Disclosure of information.

(a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Civil Service Commission, whether pending or adjudicated, will be deemed confidential and privileged, and no disclosure thereof will be made except as provided herein.

(2) Disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone when such disclosure would not be injurious to the physical or mental health of the claimant or be regarded as a breach of confidence.

Determination as to when disclosure of information would be injurious to the physical or mental welfare of a claimant will be made by the Medical Division.

(3) By "a duly authorized representative of a claimant" is meant any person who has satisfied the Commission of his authority to act.

(4) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(5) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(6) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the President, U. S. Civil Service Commission, requesting the same.

(7) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant, such documents will be produced in the court out of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Civil Service Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(8) The address of a claimant as shown by the Civil Service Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment

returned against the claimant or of the warrant for his arrest.

(9) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal or other publicly recognized charitable or social-security administrative agency.

(10) Subject to the limitation regarding name or address of a beneficiary, all records or documents officially required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents or other information as may be requested for such use.

(11) Copies of papers, records, etc., the furnishing of which would be prejudicial to the interest of the Government; copies of reports of examining surgeons; reports from the War Department; or copies of records of other departments and other confidential matters, will not be furnished.

(b) Certificates of discharge, adoption papers, marriage certificates, decrees of divorce, letters testamentary or of administration, birth or baptismal records, family records, personal letters, diaries, and other personal papers or articles which may have been filed in a claim, shall, when no longer needed in the settlement of such claim, be returned to the persons entitled thereto upon written request therefor; and whenever papers so returned constitute part of the material and essential evidence in a claim, photostat or other copies of the same, or of such parts thereof as may appear to possess evidential value, shall be retained in the case.

§ 29.12 Joint and survivorship annuities. (a) The option to receive joint and survivorship annuity may be exercised only by employees retiring under the age or optional provisions of the Retirement Act. This applies to annuities purchased by voluntary deposits as well as the regular annuities.

(b) Any natural person may be designated as survivor annuitant under the joint and survivorship option. No more than one person may be named as survivor annuitant. The designation of a contingent survivor annuitant will not be accepted, and any such designation shall be null and void.

(c) Communication of the choice of option shall be made over the signature of the applicant on Form 3001 for use in filing claim for annuity. Receipt of a communication as set forth in this paragraph shall constitute prima facie evidence of the existence of all the elements of an election. Whenever such prima facie evidence becomes conclusive or is confirmed as hereinafter provided, an election shall have been made.

(d) Upon receipt of such communication, the Commission will advise the individual of the nature of the transaction, giving full details with respect thereto, and will solicit his confirmation of the existence of all the elements of an election. Upon receipt of such confirmation on Form 3001-A, an election shall be es-

tablished as having been made as of the effective date of retirement, provided more than 30 days has elapsed from such effective date, but no such election shall be considered as having been conclusively established prior to final adjudication of the claim by the Commission.

(e) In the event of death of the designated survivor annuitant or for other good cause shown prior to final adjudication of the claim by the Commission, a new survivor annuitant may be substituted or the employee may change his election of the type of annuity selected.

(f) In any case in which an election has been conclusively established pursuant to the regulations under this section, the election, including the designation of survivor annuitant, cannot be revoked or changed.

(g) The death of a designated survivor annuitant subsequent to the final adjudication of the claim, shall not operate to cancel the election, and payments to the former employee shall continue as though the death had not occurred.

(h) Annuity payments to the survivor annuitant shall become effective on the day following the death of the former employee.

(i) The conclusive establishment of an election to receive a joint and survivorship annuity shall cancel any designation of beneficiary previously made by the employee, and any annuity accrued and unpaid at the date of death of the former employee shall be payable to the survivor annuitant named under said election.

(j) Proof of date of birth of the designated survivor annuitant shall be required prior to the adjudication of the annuity claim in all cases of election to receive joint and survivorship annuity.

§ 29.13 Making of voluntary deposits.

(a) The option to make voluntary contributions to the civil-service retirement and disability fund for the purchase of additional annuity shall be limited to those employees serving within the purview of the Retirement Act and shall be made on the form prescribed by the Commission.

(b) No voluntary contributions shall be accepted from an employee who has failed to redeposit a refund required by section 12 (b) of the act of May 29, 1930, as amended, and/or who is otherwise indebted to the civil-service retirement and disability fund.

(c) Each voluntary contribution shall be made in the amount of \$25.00 or multiple thereof, not to exceed 10 percent of aggregate annual basic salary, pay, or compensation received since August 1, 1920, by money-order, draft, or check made payable to the Civil Service Commission, Washington, D. C.

(d) Voluntary contributions may be withdrawn only in case of transfer to a position wherein the member does not retain his status under the Retirement Act, absolute separation from the service prior to becoming eligible for retirement on annuity, or death.

(e) The Retirement Division of the Civil Service Commission shall maintain the record and account of voluntary contributions of each employee exercising the option to make such contributions.

§ 29.14 Purchase of additional annuity. (a) Voluntary contributions may be used to purchase only such types of annuity as are specifically defined by the act of May 29, 1930, as amended by the act of August 4, 1939.

(b) Any employee retiring under the provisions of the act of May 29, 1930, as amended, who has made voluntary contributions in the Civil Service Retirement and Disability Fund as authorized by section 4 of the act of August 4, 1939, may purchase therewith at the time of retirement any one of the following types of annuity:

(1) Life annuity providing for return of unexpended principal; or,

(2) Increased annuity with forfeiture of unexpended principal; or

(3) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death annuity in equal amount to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement; or,

(4) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death one-half of such reduced annuity to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement.

(c) Any natural person may be designated as beneficiary under paragraph (b) (3) or (4) of this section.

(d) The annuity values based upon the mortality tables submitted by the Board of Actuaries on November 24, 1939, are hereby approved for use in computing annuities based on voluntary contributions made under the provisions of the act of August 4, 1939, in the same way and manner as they are used in computing regular annuities.

§ 29.15 Appeals. (a) An appeal may be taken to the Civil Service Commission, from the final action or order of the Retirement Division affecting the rights or interest of any person or of the United States under the civil-service retirement law, except as provided in this section.

(b) Appeals must be filed by a claimant or a duly accredited representative, but no appeal shall lie to the Commission's Board of Appeals and Review until action has been completed by the Retirement Division. An appeal taken in behalf of a claimant by or through a representative who is not recognized by the Commission, or whose recognition has been canceled, shall not be entertained.

(c) (1) Except as hereinafter ordered, the time for filing an appeal shall be not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(2) In applications for disability retirement made by a department or establishment of the Government the time

for filing an appeal shall be not later than 30 days from date of receipt of notice of final action or order.

(3) In cases of disability annuitants who are found upon medical examination to have recovered, the time allowed for filing an appeal shall be no later than 90 days from the date of final notice of proposed discontinuance of annuity.

(4) In simultaneously contested claims, where one is allowed and one rejected, the time allowed for the filing of an appeal shall be not later than 60 days from the date of receipt of the notice of the Commission's action by the claimant to whom the action is adverse. Upon the filing of an appeal all parties, other than the appellant, whose interests may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the receipt of such notice within which to file brief or argument in answer thereto before the papers are forwarded to the Board of Appeals and Review. The return of a registered letter unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(d) Each appeal shall show the name and post-office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) In proceedings before the Commission in which it shall be decided that a party has no right to appeal or that said appeal may not be entertained under the provisions of this section, such party may apply to the Commissioners for an order directing the Retirement Division to forward the record to the Board of Appeals and Review. Such application shall be in writing and shall fully and specifically set forth the grounds upon which the request is based. If upon consideration the application is granted, jurisdiction shall vest in the Board of Appeals and Review to dispose properly of the case.

(f) The mandate of the decision by the Board of Appeals and Review shall be carried into effect within 60 days from the date of the receipt of notice of the decision by the Retirement Division (except as hereinafter provided), unless the decision shall sooner be recalled. A proper explanation of the decision rendered shall be mailed to the appellant and/or his duly authorized representative by the Board of Appeals and Review.

(g) In any case involving conflicting claims of two or more parties wherein the time allowed for appeal is limited to 60 days, there shall be a stay of execution of the decision of the Board of Appeals and Review until the expiration of the period of 30 days within which a motion for reconsideration may be filed.

(h) No appeal will be considered by the Civil Service Commission to review the decisions of the Secretary of the Interior prior to July 21, 1930, or of the Administrator of Veterans' Affairs prior to September 1, 1934, on civil-service retirement cases except where upon the basis of newly discovered material evidence, the case has been reconsidered by the Retirement Division. In the latter

event, the provisions of this section shall apply.

§ 29.101 *Basic records*—(a) *Records to be kept.* The administrative offices of the departments and independent agencies shall initiate and maintain as hereinafter provided a retirement record system which will furnish all required information for each employee subject to the provisions of the Civil Service Retirement Act, and which shall form the basic record for all retirement purposes. The basic record shall consist of an individual retirement account for each employee and an annual summary of retirement fund transactions. (Supported by an adjustment registered when necessary.)

(b) *Individual account.* The individual retirement account, Civil Service Commission Form 2806, shall be established for each employee in the Government service who is subject to the provisions of the Civil Service Retirement Act, and shall be maintained by the employing department or agency. The retirement account (supplemented by the designation of beneficiary, Form 2806-1, maintained in the Retirement Division of the Civil Service Commission) shall be the basic record from which the rights of individuals under the Retirement Act shall be determined, and shall be used to support all payments from the Civil Service Retirement and Disability Fund. Each retirement account shall contain the following detailed information and such other data as may from time to time be deemed essential by the Civil Service Commission to a proper determination of rights under the Retirement Act:

(1) Present name of employee and reference to any other name under which service was rendered.

(2) Date of birth.

(3) Sex.

(4) All periods of employment. (For the duration of the present emergency, due to the inability of most war agencies to maintain currently, and to supply completed retirement account cards (Form 2806) all known periods of Federal employment will be posted. Prior government employment may be noted as "Not Verified" Employment within the agency shall be certified as to completeness and accuracy.)

(5) Reference to all periods of military or naval service claimed.

(6) All periods of leave without pay in excess of six months in the aggregate in any calendar year—in computing excess leave, all periods of annual and sick leave, leave without pay and furloughs shall be included.

(7) A complete accumulative record of retirement deductions covering service in the agency by calendar years.

(8) Citation as to vouchers and appropriations involved in any adjustment of illegal dual service.

§ 29.102 *Maintenance of individual retirement account*—(a) *Standard abbreviations.* All appointments, separations and changes in status, etc., shall be recorded on the retirement account in accordance with the standard abbreviations for personnel changes as outlined in Civil Service Form No. 2822, Revised.

(b) *Posting retirement deductions, deposits and redeposits.* At the end of each calendar year the total retirement deductions taken from the salary or compensation, the amount of tontine included therein (see § 29.105), and the resulting net credit for the year, shall be posted from the payroll posting media for each employee to the appropriate columns on the fiscal side of his retirement account, the previous year's balance brought forward and the total credit entered.

The beginning date of deductions for each period of service shall be shown in the "remarks" column on the fiscal side of the retirement account card. Example: "Ded. began 9-1-38."

In no case shall voluntary deposits made under the provisions of section 4 of the Act of August 4, 1939, be entered on Form 2806. The record and account of voluntary deposits under that Act shall be maintained by the Retirement Division of the Civil Service Commission.

(c) *Posting service record.* Those agencies which maintain the service history side of the retirement account shall record all appointments, changes in status, changes in salary or rate of pay, and any other pertinent information on the service history side of the card in the appropriate columns. Those agencies which maintain only the fiscal record will record the date and kind of appointment, the designation and office of employment in the space provided in the upper right hand corner on the fiscal side of the card. In either type of record there shall also be shown any leave of absence without pay in excess of six months in the aggregate in any calendar year, it being borne in mind that the provisions of section 5 of the Retirement Act with regard to exclusion of leave in excess of six months in computing annuitable service applies to the calendar year and not to the fiscal year.

When establishing a record the agency shall also enter on the card whatever information is available within the agency—for example, information in the employee's application for employment—as to prior unverified service in other agencies. This statement of prior service in other agencies shall be noted "not verified."

When furnishing the record of an employee compensated on a v. a. e. (when actually employed) basis, the total number of days on which he was in a pay status shall be clearly indicated by calendar years. Where employment was on a regular per diem or per hour basis it shall be shown whether the service was on the basis of a 365-day year; 313-day year; 261-day year, or other period.

(d) *Use of margins.* All entries shall be kept within the lines ruled on the card if possible, and nothing written in the margins, particularly the right and left margins. If necessary a second line shall be used instead of the margins. (In using the record it is frequently perforated in the margin to be bound in the file, which may obliterate any entry in the margin or cause it to be obscured from view.)

(e) *Changes and erasures.* Any change or erasure of date, salary or cause of

separation on the service history side of Form 2806, or any change or erasure of date in column 1 or of amount in columns 2 or 3 on the fiscal side shall be noted and initialed by the countersigning or certifying officer, or person designated by him, as near as possible to the item corrected. Certification shall occupy as little space as possible, and shall show the date, salary, amount, or cause of separation to which changed. Small rubber stamps are desirable. The following or similar forms shall be used: "Date changed to 4-16-38." "Amt. changed to \$1860." "Cause of separation changed to Res."

(f) (1) *Completion and furnishing of record upon separation.* Immediately upon the separation of an employee from the service of any department or agency the retirement account shall be completed to date, and the cause and date of separation recorded. The account shall then be certified as to its correctness, proper entry therefrom made on the register of separations as provided in paragraph (c) of § 29.107, and forwarded at once to the Civil Service Commission, together with any claim that may be on file at that time. In no case shall the retirement account be held in a department or agency awaiting the receipt of a claim.

(2) In recording a separation the facts in each individual case shall be given briefly, but in sufficient detail for the Commission to determine whether the separation was voluntary or involuntary, and if involuntary whether for misconduct or delinquency within the meaning and intent of the Retirement Act. In any case where separation occurs for reasons other than voluntary (resignation) a brief but clear statement of the facts shall be recorded on the retirement account, or a written statement in appropriate form attached thereto when forwarded to the Commission. (It is necessary to consider not merely the form in which the separation was accomplished, but the conditions which induced the result. As generally used for retirement purposes the term "voluntary" denotes a separation from the service at the desire and for the convenience of the employee, while the term "involuntary" contemplates a separation for administrative reasons, such as lack of work, reduction of force, or a separation against the will or without the consent of the employee.)

(3) Not less than six months preceding eligibility for retirement (age), or whenever an employee requests optional retirement, a letter shall be directed to the Civil Service Commission, Retirement Division, listing the employee's unverified prior service in other agencies. The Commission will then obtain verification of this service and forward it to the requesting agency. An application for disability retirement, when submitted to the Retirement Division of the Civil Service Commission, must be accompanied by a letter listing the employee's unverified prior service in other agencies.

(4) When an employee is dropped for retirement on account of disability the date on which pay ceased shall be shown under "remarks" on the fiscal side of his retirement account card.

(5) When an employee is separated by death the 5% of salary to date of death shall be included in his retirement account in accordance with General Accounting Office Regulation No. 54, Supplement No. 9, dated May 27, 1936. No retirement deductions shall be withheld from lump sum payments in lieu of accumulated or accrued annual leave under the act of December 21, 1944 (Public Law 525). If the employee was in a non-pay status at the time of death the period involved shall be stated. The claim for refundment of retirement deductions is separate and distinct from the claim for residue of salary, and shall not be held pending settlement of the claim for residue of salary unless there is some question as to the amount due.

(g) *Certification of record.* Certification shall be made on the line next following the last entry on the fiscal side of the card, but it shall also cover the data shown on the service history side as indicated in the following form of certification:

Deductions and service certified correct.
Signature and title of designated official.
Date _____
(See § 29.103.)

(h) *Accounts with various funds maintained separately.* Accounts for the Civil Service Retirement and Disability Fund, the Canal Zone Retirement and Disability Fund and the Alaska Railroad Retirement and Disability Fund are maintained separately. Amounts deducted for the different funds shall not be consolidated on the employee's retirement account. When an employee goes from a position within the purview of one law to a position within the purview of another law the second office shall not take up in its accounts the amount of retirement deductions to the employee's credit when he left the former position. In such cases the employee concerned should obtain a refund of the retirement deductions taken while in the first position, and if he so desires, he may make application for the purchase of service credit under the act covering his new position.

§ 29.103 *Certifying officers; signature cards.* Certification as to the correctness of retirement records shall be made by officials regularly designated by the head of the department or agency. The Retirement Division of the Civil Service Commission shall be furnished with duly authenticated signature cards in triplicate on Retirement Form 3420 for each designated official. The heads of the various departments and agencies shall promptly advise the Commission of any change in certifying officers.

§ 29.104 *Retirement deductions—(a) Coverage.* The Retirement Act requires that retirement deductions shall be taken currently from the compensation of each employee coming within the purview thereof.

Retirement deductions shall be taken from the basic salary, pay or compensation of all appointive officers and employees in or under the executive, judi-

cial, and legislative¹ branches of the United States Government who are not subject to another retirement system for such personnel, except employees excluded by Executive order. The same is true with respect to all officers and employees of the municipal government of the District of Columbia not subject to another retirement system for such persons.

(b) *Employees excluded by Executive order with certain exceptions.* Employees given temporary appointments for 1 year or less, certain employees paid on a when-actually-employed basis without regular tour of duty, contract and fee-basis employees, etc., were excluded by Executive Order 9154 dated May 1, 1942. This order as amended by Executive Order 9324, January 28, 1947, reads as follows:

(1) Employees in the following classifications of Federal personnel in the Executive branch of the Government are hereby excluded from the operation of the said Retirement Act, unless eligible for retirement benefits by continuity of service, by reinstatement, or otherwise:

(a) Employees whose expected service will be for brief periods but not to exceed one year.

(b) Employees paid by the hour, day, month, or year when actually employed, whose employment is periodic, part-time, or recurrent and for whom a regular tour of duty is not contemplated.

(c) Employees and consultants paid on a contract or fee basis.

(d) Employees paid on a piece-work basis, except when serving under regular or permanent appointment.

(e) Cooperative employees not wholly under the control of the Federal Government and not otherwise subject to the Civil Service Retirement Act.

(f) Officers and employees without compensation or with nominal compensation of \$12.00 or less per annum.

(g) Intermittent alien employees engaged on work outside the continental limits of the United States.

(h) Member and patient employees in Government hospitals or homes.

(i) Employees serving under temporary appointments pending final determination of their eligibility for permanent or indefinite appointment.

(j) Acting postmasters, clerks in fourth-class post offices, substitute rural carriers, and special-delivery messengers at second-, third-, and fourth-class post offices.

(k) Consular agents appointed under authority of section 551 of the Foreign Service Act of 1946, approved August 13, 1946, Public Law 724, 79th Congress (added by E. O. 9324).

(2) The Civil Service Commission is authorized to determine the applicability of the above classifications to specific officers and employees or groups of officers and employees in the Executive branch of the Government.

(3) This order shall be effective as of January 24, 1942, except that it shall not be construed as to defeat any retirement rights of officers and employees acquired before the date of this order.

By the terms of the order, employees in any of the categories listed therein have a retirement status if they are eligible for retirement benefits by continuity of service, by reinstatement, or otherwise. Such employees continue under the system until they become abso-

lutely separated from the Government service or are transferred to a position under another Federal retirement system.

§ 29.105 *Tontine; based on pay status in calendar month.* The phrase "major fraction thereof" as used in section 12 (a) of the Retirement Act has reference to the major fraction of the calendar month. The retention of \$1 is predicated upon the receipt of salary, pay or compensation, from which retirement deductions have been withheld, and tontine during a calendar month is determined on a pay status when making an accounting for retirement deductions.

There is no separate tontine fund. The total deductions for the calendar month less the sum of \$1 shall be credited to the employee's individual account whenever the employee is in a pay status for more than one-half of such month. If an employee is in a pay status for the major fraction of a calendar month and the total retirement deductions covering such month amount to less than \$1, the total amount deducted shall be recorded as a credit to the retirement fund without any credit to the employee's individual account. An employee who is on the rolls in a pay status for one-half month or less shall receive credit in his individual account for the full amount of retirement deductions taken for such period.

§ 29.106 *Reemployed annuitants.* When an annuitant receiving annuity under any provision of the Retirement Act is reemployed, the Commission shall be immediately informed of that fact, and advised as to the date of reemployment and whether such reemployment is of a permanent or temporary nature. This is imperative in order to prevent concurrent payment of annuity and salary.

§ 29.107 *Reports of retirement fund transactions—(a) Reports to be submitted.* In addition to the individual retirement account, each department or independent agency shall maintain a register of employees appointed thereunder, a register of employees separated therefrom, and a register of adjustments, and shall submit annually a summary of retirement fund transactions. The annual summary of retirement fund transactions, Form 2807-2, shall be submitted as soon as possible after the close of each calendar year, accompanied by a register of adjustments on Form 2807-1, where adjustments of prior reports are necessary. Such records shall be made in duplicate, the original forwarded to the Commission and the carbon retained by the office maintaining the record. In the event a department finds it expedient to maintain its individual retirement accounts in the various bureaus, annual summaries of retirement fund accounts shall be consolidated into one summary before submission to the Commission.

(b) *Register of appointments.* A register of appointments shall be maintained on Form 2807, or acceptable substitute, recording the unrefunded deductions to the credit of the employees appointed during the year as shown on any individual retirement accounts (Form 2836) re-

¹ Certain legislative employees have the right of election to come under the system. (50 Stat. 512; 50 Stat. 13.)

ceived for such employee. (If no individual retirement account is received, no entry on the appointment register is necessary.) If Form 2807 is used, no entry shall be made in columns 2, 3, and 4. The name of the employee shall be entered in column 1 and the amount of unrefunded retirement deductions to his credit at the time of appointment as shown by his individual account shall be entered in column 5. The total of all entries in column 5 for the calendar year shall be used to support the entry "Register of Appointments" on the annual summary and must be in agreement therewith.

(c) *Register of separations.* A register shall be maintained on Form 2807, or acceptable substitute of all separations during the calendar year. When Form 2807 is used as a register of separations the name of the employee separated shall be entered in column 1 and the total deductions remaining to the credit of the employee at separation as shown by the last entry on his individual account shall be entered in column 5. (Columns 2, 3, and 4 may be used by those offices which desire to so record the information regarding current deductions.) In no case shall tontine be included in the net credit of the employee, either on his retirement account or on the register of separations, regardless of the cause of separation. The final total of column 5 shall be used to support the entry "Register of separations" on the annual summary, and must be in agreement therewith. In case of transfer from one bureau to another in the same department no entry shall be made on either the appointment or separation register unless the accounts are maintained and reports submitted by bureaus as specified in paragraph (a) of this section.

(d) *Register of adjustments.* The register of adjustments (Form 2807-1) is prescribed to provide an adequate medium for posting in the control accounts any corrections of prior reports. Any correction of individual retirement accounts necessitating a change in any of the amounts shown on a previous annual summary of retirement fund transactions shall be noted on the register of adjustments so as to show the name of the employee concerned, any increase or decrease in gross deductions or tontine and the resulting net increase or decrease in the net balance of the employee's individual account in each case, together with a citation as to the calendar year in which the error occurred. The character of the error in each case shall be recorded in the explanation column of the register in sufficient detail to afford a basis for the proper bookkeeping entry. When an adjustment of the account is occasioned by an adjustment of the retirement fund, the explanation shall include citations of the appropriation symbols of the accounts affected, and the dates and numbers of vouchers or other documents used as posting media. It is preferable that increases be shown in black and decreases in red, but any other distinct method will be acceptable. The final result of the net deductions column shall be used to support the fourth item on

the annual summary, and shall be in agreement therewith.

(e) *Annual summary of retirement fund transactions.* The annual summary of retirement fund transactions Form 2807-2 has been prescribed to provide a uniform method of summarizing retirement fund transactions. For the present the first and second columns will be used only in reporting item 6.

The summary for each calendar year shall bring forward in the third column the balance at the close of the preceding calendar year as shown by the last entry on the summary submitted for that year. Item 2, "Register of appointments" shall be posted from the register of appointments and shall agree therewith. The total adjustments of prior fiscal year reports shall be posted in the third column under item 4. Under item 6 "Current calendar year payroll deductions" there shall be entered in the first column all deductions taken on the payroll during the calendar year for credit to the retirement fund; the amount of tontine included therein shall be entered in column 2, and the net credit extended to column 3. The totals in column 6 shall agree with the total current year's postings to the individual retirement accounts of employees, including the accounts of employees separated during the year.

Any adjustment for the current calendar year which cannot be properly taken care of under some calendar year item may be entered under item 9, in which event a separate adjustment register shall be submitted to cover this item. The total as shown on the register of separations shall be entered under item 12 as a deduction from the total to be accounted for, and the balance brought down under item 13, which item shall agree with the aggregate of balances on the individual accounts of employees still on the rolls at the close of the calendar year for which the report is submitted.

§ 29.108 *Set-off on account of indebtedness to the Government.* It is incumbent upon the Civil Service Commission when adjudicating claims for retirement credits due former employees to make proper set-offs from the total amounts due of any unliquidated amounts chargeable to such employees on account of advance payments for unearned annual or sick leave, overpayment of salary, or other indebtedness to the Government.

In filing claims for reimbursement on account of overdrawn leave the agencies concerned shall execute Form 3037 (Statement of Account of Overdrawn Annual and/or Sick Leave) in duplicate. In all cases involving withholding tax the amount of tax deductions included in the overpayment shall be entered directly below the space provided for gross indebtedness so that the form will show the total amount due the appropriation, the amount of tax reductions, and the balance for recovery from the retirement fund. The report shall show whether the amount of tax deductions has been taken up as Internal Revenue Collections or is being held in a special deposit account, in which case the special deposit account shall be fully identified. In each case involving withholding tax one copy

of Form 3037 shall be forwarded to the General Accounting Office, Claims Division, at the same time the claim against the retirement fund is forwarded to the Commission. In all other cases both copies shall be forwarded to the Commission. Claims forwarded to the Commission should be attached to Form 2806 whenever possible.

Claims for set-off on account of indebtedness to the Government for reasons other than overdrawn leave shall be submitted to the Commission on Form 3037, in duplicate, setting forth all pertinent facts in the case, including the amount to be recovered.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
H. B. MITCHELL,
President.

[F. R. Doc. 47-2104; Filed, Mar. 6, 1947;
8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 932—MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Sec.	
932.0	Findings and determinations.
932.1	Definitions.
932.2	Market Administrator.
932.2	Reports, records, and facilities.
932.4	Classification.
932.5	Minimum prices.
932.6	Application of provisions.
932.7	Determination of uniform price.
932.8	Payment for milk.
932.9	Expense of administration.
932.10	Marketing services.
932.11	Adjustment of accounts.
932.12	Effective time.
932.13	Suspension or termination.
932.14	Agents.
932.15	Separability of provisions.

AUTHORITY: §§ 932.0 to 932.15, inclusive, issued under 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.

§ 932.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601, et seq.), and the rules of practice and procedure covering the formulation of marketing agreements and marketing orders, as amended (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held August 20 to 24, 1946, upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. It is hereby found upon the basis of evidence introduced at such hearing in addition to the other findings made prior to or at the time of the original issuance of said order and of each amendment thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth), that:

(1) The order regulating the handling of milk in the said marketing area, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in the Fort Wayne, Indiana, marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices set forth in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found that a pro rata assessment on handlers at a rate not to exceed four cents per hundredweight with respect to all receipts by the handler, during each delivery period, of producer milk (including the handler's own production), and of other source milk classified as Class I milk and Class II milk pursuant to § 932.4 (b) (1) (i) and (2) of this order, will provide the funds necessary for the maintenance and functions of the market administrator in the administration of this order and such assessment is approved.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in the processing, distributing, or shipping the milk covered by this order, as amended) of at least 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, which is marketed within the Fort Wayne, Indiana, marketing area refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the aforesaid order, as amended, is approved or favored by at least two-third of the producers who, during the determined representative period (November, 1946) were engaged in the production of milk for sale in the said marketing area.

It is hereby ordered. That such handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amend-

ed; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 932.1 *Definitions.* The following terms mean:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 932.5 and § 932.8.

(d) "Market administrator" means the agency described in § 932.2.

(e) "Person" means any individual, partnership, corporation, association, or any other business unit.

(f) "Fort Wayne, Indiana, marketing area," hereinafter called the "marketing area," means all territory within the corporate limits of Fort Wayne, Indiana, and all territory within 4 miles of the corporate limits of Fort Wayne, Indiana, except the territory within the corporate limits of New Haven, Indiana.

(g) "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

(h) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

(i) "Route" means a delivery (including at a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

(j) "Handler" means:

(1) Any person, including any cooperative association, who operates a milk plant from which a route is operated wholly or partially within the marketing area;

(2) Any cooperative association which operates a milk plant at which milk is received from producers; or

(3) Any cooperative association with respect to:

(i) Milk caused by it to be delivered from producers' farms to a plant(s) described under subparagraph (1) of this paragraph, for which milk such association is authorized to receive payment; or

(ii) Milk of producers caused to be diverted on its account from a plant(s) described under subparagraph (1) of this paragraph or from a plant(s) operated by it, to a nonhandler's plant.

(k) "Producer" means any person, except a producer-handler, having certi-

fication issued by the appropriate health authority in the marketing area to produce milk for disposition within the marketing area in the form of fluid milk.

(l) "Nonhandler" means any person other than a handler who operates a milk processing or distributing plant from which no route is operated within the marketing area.

(m) "Producer milk" means milk produced by one or more producers under the conditions set forth in paragraph (k) of this section.

(n) "Other source milk" means (1) all skim milk and butterfat except that in producer milk and in any nonfluid milk product received and disposed of in the same form, and (2) all skim milk and butterfat transferred by a producer-handler to any handler.

(o) "Producer-handler" means any person who produces milk but receives no milk from producers and operates a route extending into the marketing area.

§ 932.2 *Market administrator—(a) Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this part:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 932.9:

(i) The cost of his bond and of the bonds of his employees,

(ii) His own compensation, and

(iii) All other expenses, except those incurred under § 932.10, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to

such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 932.3, or (ii) payments pursuant to §§ 932.8, 932.9, 932.10, or 932.11,

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them, to each handler to whom the cooperative sells milk. For the purpose of this report the milk caused to be so delivered by an association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in each class;

(9) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(10) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differentials for each class pursuant to § 932.5, and

(ii) On or before the 11th day after the end of such delivery period, the uniform price computed pursuant to § 932.7 and the butterfat differential computed pursuant to § 932.8; and

(11) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

§ 932.3 *Reports, records and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such delivery period of (i) producer milk, (ii) skim milk and butterfat in any form from any other handler, and (iii) other source milk; and the sources thereof;

(2) The product pounds of milk products received from any nonhandler and disposed of in the same form;

(3) The utilization of all receipts required to be reported under subparagraphs (1) and (2) of this paragraph; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* (1) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(2) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer pay roll for the preceding delivery period, which shall show (i) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (ii) the amount of payment to each producer and cooperative association, and (iii) the nature and amount of any deductions and charges involved in the payments referred to in subdivision (ii) of this subparagraph.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to (1) the receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form; (2) the weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 932.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk, and from another handler shall be classified by the market administrator pursuant to the following provisions of this section:

(b) *Class of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the skim milk and butterfat described in paragraph (a) of this section shall be classified by the market administrator on the basis of the following classes:

(1) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(i) Disposed of in fluid form as milk, skim milk, buttermilk, or flavored milk or flavored milk drink (except as provided in subparagraphs (3) (ii) and (iii) of this paragraph; and

(ii) Not specifically accounted for as any item included under subdivision (1) of this subparagraph or as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as (i) cream or as any mixture containing cream and milk, or skim milk (not including ice cream mix disposed of pursu-

ant to subparagraph (3) (iv) of this paragraph) containing not less than 6 percent of butterfat, and (ii) eggnog.

(3) Class III milk shall be all skim milk and butterfat:

(i) Used to produce a milk product other than any of those specified in subparagraphs (1) (i) or (2) of this paragraph;

(ii) Dumped or disposed of for livestock feed as skim milk, flavored milk, flavored milk drink, or buttermilk;

(iii) Disposed of as bulk skim milk to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form;

(iv) Disposed of as ice cream mix to a commercial processor;

(v) In actual plant shrinkage of producer milk computed pursuant to paragraph (c) of this section, but not in excess of 2 percent thereof; and

(vi) In actual plant shrinkage of other source milk computed pursuant to paragraph (c) of this section.

(c) *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(1) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(2) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to subparagraph (1) of this paragraph between producer milk and other source milk after deducting receipts from other handlers.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to another handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (g) (1) (iii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if transferred or diverted in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream to a nonhandler's plant unless, except as provided in subparagraph (4) of this paragraph, (i) the handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided*, That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section; and

(4) As Class I milk if transferred or diverted in the form of milk to a nonhandler's plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by shortest highway distance as determined by the market administrator.

(f) *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(g) *Allocation of skim milk and butterfat classified.* (1) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(i) Subtract plant shrinkage of skim milk pursuant to paragraph (b) (3) (v) of this section from the total pounds of skim milk in Class III milk;

(ii) Subtract, in the case of a handler which is a cooperative association operating a plant from which no route is operated wholly or partially within the marketing area, from the pounds of skim milk remaining in each class, in series beginning with the lowest-priced available use, the pounds of skim milk received in producer milk by such cooperative association but not to exceed 15 percent of the total quantity of producer milk marketed for its members by such association;

(iii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest-priced available use, the pounds of skim milk in other source milk;

(iv) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to paragraph (e) of this section;

(v) Add the quantity subtracted pursuant to subdivision (ii) of this subparagraph to the remaining pounds of skim milk in the appropriate class (based on the uses from which such subtraction was made); and

(vi) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to subdivision (i) of this subparagraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with the lowest-priced available use.

(2) Allocate classified butterfat to producer milk according to the method prescribed in subparagraph (1) of this paragraph for skim milk.

(3) Determine the weighted average butterfat test of the remaining Class I milk, Class II milk, and Class III milk computed pursuant to subparagraphs (1) and (2) of this paragraph.

§ 932.5 *Minimum prices—(a) Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by this section shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content determined by the market administrator pursuant to subparagraphs (1), (2), or (3) of this paragraph, computed to the nearest tenth of a cent.

(1) The average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Angola, Ind.
Pet Milk Co., Garrett, Ind.
Kraft-Phenix Cheese Corp., Kendallville, Ind.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, add 30 percent thereof, and then multiply by 4.0.

(3) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, subtract three cents, add

20 percent thereof, and then multiply by 4.0; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed) spray and roller process, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture during the delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(b) *Class I milk prices.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class I milk, shall be the basic formula price determined pursuant to paragraph (a) of this section, plus the following:

<i>Delivery period:</i>	<i>Amount</i>
April, May, and June.....	\$0.60
October, November, and December.....	.90
All other months.....	.75

(c) *Class II milk prices.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class II milk, shall be the basic formula price determined pursuant to paragraph (a) of this section, plus the following:

<i>Delivery period:</i>	<i>Amount</i>
April, May, and June.....	\$0.35
October, November, and December.....	.65
All other months.....	.50

(d) *Class III milk prices.* Subject to the provisions of paragraphs (e) and (f) of this section, the minimum price per hundredweight, on a 4.0 percent butterfat content basis, to be paid by each handler, at his plant, for producer milk received and classified as Class III milk, shall be the same as the basic formula price.

(e) *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his classified producer milk is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(1) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(2) *Class II milk.* Multiply by 1.25 the average daily wholesale price per pound

of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(3) *Class III milk.* Multiply by 1.15 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the delivery period and divide the result by 10.

(f) *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further* That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 932.6 *Application of provisions—(a) Producer-handlers.* Sections 932.4, 932.5, 932.7, 932.8, 932.9, and 932.10 shall not apply to a producer-handler.

(b) *Exempt milk.* Milk received by a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

(c) *Milk caused to be delivered by cooperative associations.* A cooperative association shall be deemed to be a handler pursuant to § 932.1 (j) (3) (1) with respect to milk caused by it to be delivered from producers' farms to a plant(s) described in § 932.1 (j) (1) only for the purpose of making such payments to the market administrator as are required of such association pursuant to the proviso of § 932.8 (e)

(d) *Diverted milk.* Producer milk diverted from a handler's plant to a nonhandler's plant shall be deemed to have been received by the handler on whose account such milk was diverted.

§ 932.7 *Determination of uniform price—(a) Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and adding together the resulting amounts: *Pro-*

vided, That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his report for the delivery period pursuant to § 932.3(a), has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class as subtracted pursuant to § 932.4(g) (1) (vi) and (2) by the applicable class prices.

(b) *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk, on the basis of 4.0 percent butterfat content, received from producers as follows:

(1) Combine into one total the values computed pursuant to paragraph (a) of this section for all handlers who made the reports prescribed by § 932.3, except those in default of the payments prescribed in § 932.8 (e) for the preceding delivery period;

(2) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 932.8(f),

(3) Subtract, if the weighted average butterfat test of producer milk represented by the values included under subparagraph (1) of this paragraph is greater than 4.0 percent, or add, if such butterfat test is less than 4.0 percent, an amount computed by multiplying the amount by which its weighted average butterfat test varies from 4.0 percent by the butterfat differential computed pursuant to § 932.8 (c) and multiplying the resulting figure by the total hundredweight of such milk;

(4) Divide the resulting amount by the total hundredweight of producer milk represented by the values included in subparagraph (1) of this paragraph; and

(5) Subtract not less than 4 cents nor more than 5 cents (adjusting to the nearest one-tenth cent) from the amount per hundredweight computed under subparagraph (4) of this paragraph.

(c) *Notification of handlers.* On or before the 11th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (1) the amount and value of his milk in each class and the total thereof; (2) the applicable minimum class prices and uniform price; (3) the amount due such handler or the amount to be paid by such handler, as the case may be, pursuant to § 932.8 (e) and (f) and (4) the amount to be paid by each handler pursuant to §§ 932.8 (a) (1) and (2), 932.9, and 932.10.

§ 932.8 *Payment for milk—(a) Time and method of final payment.* Each handler shall make payments, after deducting the amount of the payments made pursuant to paragraph (b) of this section, as follows:

(1) On or before the 15th day after the end of each delivery period, to each producer, except producers for whom payment is received from the handler

by a cooperative association pursuant to subparagraph (2) of this paragraph, at not less than the uniform price for such delivery period pursuant to § 932.7 (b) adjusted by the producer butterfat differential pursuant to paragraph (c) of this section, for all milk received from such producer during such delivery period: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to paragraph (f) of this section, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(2) On or before the 13th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association during such delivery period, not less than the value of such milk computed at the minimum class prices provided by § 932.5. For the purpose of determining the classification of milk caused to be so delivered by a cooperative association to a handler, such milk shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, and Class III milk as determined pursuant to § 932.4 (g).

(b) *Partial payments.* (1) On or before the last day of each delivery period, each handler shall make payment, except as set forth in subparagraph (2) of this paragraph, to each producer, for the milk received from such producer by such handler during the first 15 days of such delivery period, at not less than the uniform price for the preceding delivery period.

(2) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to a cooperative association, for milk caused to be delivered from producers' farms to such handler by such association during the first 15 days of such delivery period, at not less than the uniform price of the preceding delivery period.

(c) *Producer butterfat differential.* In making payments pursuant to paragraph (a) (1) of this section there shall be added to, or subtracted from, the uniform price for milk of 4.0 percent butterfat content, for each one-tenth of one percent of butterfat content in such producer milk above or below 4.0 percent, as the case may be, an amount computed by multiplying the average daily wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, by 1.15, dividing by 10, and rounding to the nearest tenth of a cent.

(d) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraph (c) of

this section and out of which he shall make all payments to handlers pursuant to paragraph (f) of this section.

(e) *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of producer milk received by such handler during such delivery period is greater than the value of such milk computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this section: *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the association, in turn, shall pay to the market administrator, on or before the 14th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than its value computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this section.

(f) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of producer milk received by such handler during such delivery period is less than the value of such milk computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this paragraph, less any unpaid obligations of such handler to the market administrator pursuant to paragraph (e) of this section, § 932.9, § 932.10, and § 932.11. *Provided*, That with respect to milk for which payment is made by a handler to a cooperative association pursuant to paragraph (a) (2) of this section, the market administrator shall pay, on or before the 15th day after the end of each delivery period, to such association the amount by which the utilization value of such milk is less than its value computed at the uniform price pursuant to § 932.7 (b) adjusted by the butterfat differential provided by paragraph (c) of this section: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 932.9 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 932.2 (c) (4) each handler shall pay the market administrator, on or before the 13th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to all receipts within the delivery period of (a) producer milk (including such handler's own production) and (b) other source milk classified as Class I milk pursuant to § 932.4 (b) (1) (i) and Class II milk.

§ 932.10 *Marketing services—(a) Marketing service deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 932.8 (a) (1), shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 13th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Marketing service deduction with respect to members of, or producers marketing through, a cooperative association.* In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 932.8 (a) (1) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 13th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 932.11 *Adjustments of accounts—*

(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) *Interest on overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 932.8, 932.9, 932.10, or paragraph (a) of this section shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 5th day of the calendar month next following the due date of such obligation

and on the first day of each calendar month thereafter until such obligation is paid.

§ 932.12 *Effective time.* The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 932.13 *Suspension or termination—(a) When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 932.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 932.15 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 26th day of February 1947, to be effective on and after the 1st day of April 1947.

[SEAL]

N. E. DODD,
Acting Secretary of Agriculture.

Approved: February 28, 1947.

PHILIP B. FLEMING,
Administrator, Office of Temporary Controls.

[F. R. Doc. 47-2032; Filed, Mar. 6, 1947; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

[Gen. Order 34, Reg. 2]

PART 503—SUBSTANTIVE RULES

PROPERTY ACQUIRED ON OR AFTER JAN. 1, 1947

Under the authority of the Trading with the Enemy Act, as amended, and Executive Orders issued thereunder, and pursuant to law, the following regulation is hereby issued:

§ 503.40-2 *Non-applicability of § 503.40 to property acquired on or after January 1, 1947* (a) No report on Form AFC-56 shall be required to be filed pursuant to § 503.40 (General Order No. 34) with respect to any property or interest

(1) Which is initially brought into the United States after December 31, 1946, unless such property or interest represents, directly or indirectly, ownership or control of, or an interest in, any property or interest in the United States on December 31, 1946, or

(2) Which is initially acquired by Germany or Japan or any national thereof after December 31, 1946; *Provided*, That no such property or interest shall be considered initially acquired after December 31, 1946, if such property or interest is, in whole or in part, the income, interest, increment, dividends, or proceeds from, or has been converted from, exchanged for, acquired with the proceeds of, or is in any other way directly or indirectly derived from, any property or interest in the United States in which on December 31, 1946, Germany or Japan, or any national thereof, had any interest.

(b) The definition of terms in § 503.40 shall be applicable to this section.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. App. and Sup. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. this 3d day of March 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-2128; Filed, Mar. 6, 1947; 8:48 a. m.]

[Gen. Order 20, Reg. 1]

PART 503—SUBSTANTIVE RULES

CONSENT TO TRANSFER OF PROPERTY ACQUIRED AFTER SPECIFIED DATES

Under the authority of the Trading with the Enemy Act, as amended, and Executive orders issued thereunder, and pursuant to law, Regulation No. 1 under § 503.7 (General Order No. 20) is hereby amended to read as follows:

§ 503.7-1 *Consent to transfer of property acquired after specified dates.* (a) For the purposes of paragraph (a) (1) of § 503.7 (General Order No. 20) the Director of the Office of Alien Property, acting for the Attorney General, hereby consents, subject to the provisions of

paragraph (b) of this section, to the payment, transfer, or distribution, by a designated person as defined in § 503.7, of any property of any nature whatsoever, except the following:

(1) Property which on December 31, 1946 was located in the United States, or any territory or possession thereof, and in which on that date any of the following had any interest:

(i) The Government of Germany or Japan, or any agent, instrumentality, or representative of either Government;

(ii) A person within Germany or Japan, or a citizen or subject of either country within Italy, Bulgaria, Hungary or Rumania;

(2) Property which on December 7, 1945 was located in the United States, or any territory or possession thereof, and in which on that date any of the following had any interest:

(i) The Government of Italy, Bulgaria, Hungary or Rumania, or any agent, instrumentality, or representative of any of such Governments;

(ii) A person (other than a citizen or subject of Germany or Japan) within Italy, Bulgaria, Hungary or Rumania;

(3) Income from the property described in subparagraph (1) of this paragraph accruing on or after December 31, 1946, or from the property described in subparagraph (2) of this paragraph accruing on or after December 7, 1945.

(b) Any payment, transfer, or distribution pursuant to paragraph (a) of this section may be made only if licensed or otherwise authorized by the Secretary of the Treasury pursuant to the provisions of Executive Order No. 8389, as amended.

(c) For the purpose of this section:

(1) "Person" shall mean any individual, partnership, association or corporation;

(2) "Income" shall include, without limitation, any interest, dividend, increment, proceeds, exchange, conversion, or other derivative, direct or indirect.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. App. and Sup. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., this 3d day of March 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-2127; Filed, Mar. 6, 1947; 8:48 a. m.]

[Gen. Order 5, Reg. 1]

PART 503—SUBSTANTIVE RULES

PROPERTY ACQUIRED AFTER SPECIFIED DATES

Under the authority of the Trading with the Enemy Act, as amended, and Executive orders issued thereunder, and pursuant to law, Regulation No. 1 under § 503.20 (General Order No. 5) is hereby amended to read as follows:

§ 503.20-1 *Non-applicability of § 503.20 to property acquired after specified dates.* (a) A designated person, as defined in § 503.20 (General Order No. 5),

shall hereafter be required to file a report on Form APC 3 pursuant to § 503.20 only with respect to:

(1) Property which on December 31, 1946 was located in the United States, or any territory or possession thereof, and in which on that date any of the following had any interest:

(i) The Government of Germany or Japan, or any agent, instrumentality, or representative of either Government;

(ii) A person within Germany or Japan, or a citizen or subject of either country within Italy, Bulgaria, Hungary or Rumania;

(2) Property which on December 7, 1945, was located in the United States, or any territory or possession thereof, and in which on that date any of the following had any interest:

(i) The Government of Italy, Bulgaria, Hungary or Rumania, or any agent, instrumentality, or representative of any of such Governments;

(ii) A person (other than a citizen or subject of Germany or Japan) within Italy, Bulgaria, Hungary or Rumania;

(3) Income from the property described in subparagraph (1) of this paragraph accruing on or after December 31, 1946, or from the property described in subparagraph (2) of this paragraph accruing on or after December 7, 1945.

(b) For the purpose of this section:

(1) "Person" shall mean any individual, partnership, association or corporation;

(2) "Income" shall include, without limitation, any interest, dividend, increment, proceeds, exchange, conversion, or other derivative, direct or indirect.

(40 Stat. 411, 55 Stat. 839, Pub. Law 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. App. and Sup. 1, 616; E. O. 9193, July 6, 1942, 3 CFR Cum. Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C. this 3d day of March 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-2126; Filed, Mar. 6, 1947; 8:48 a. m.]

TITLE 11—ATOMIC ENERGY

REDESIGNATION OF TITLE

NOTE: Title 11 is redesignated as set forth above. Chapter I thereof is reserved for rules and regulations of the Atomic Energy Commission.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SUSPENSION OF TRADING, WITHDRAWAL AND STRIKING FROM LISTING AND REGISTRATION

The Securities and Exchange Commission deems it necessary for the exercise

of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors to amend paragraph (a) (2) of § 240.12d2-1 (Rule X-12D2-1). The amendment eliminates the requirement that an exchange which has suspended a security from trading shall file a statement every two months setting forth the reasons for continuing the suspension, and instead requires such exchange to notify the Commission only in the event of a change in the reasons for the suspension. The amendment further provides for notification by an exchange of the effective date on which a suspended security is restored to trading. The basis and purpose of the amendment are: (1) To relieve exchanges of a reporting requirement which the Commission's experience has proved unnecessary in view of the fact that almost without exception the statements of reasons for continuing the suspensions have been identical with the statement of the reasons for suspending the security initially; and, (2) to assure that the Commission's records will currently reflect that trading has been resumed in a security which has been suspended. The Commission for good cause finds that the notice and public procedure provided for in section 4 (a) and (b) of the Administrative Procedure Act are unnecessary for the reasons that the amendment has no effect on investors or persons other than national securities exchanges, and the net effect on such exchanges is to reduce their reporting requirements. Therefore, the Commission, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 (d) and 23 (a) thereof, hereby amends paragraph (a) (2) of § 240.12d2-1 (Rule X-12D2-1) effective April 1, 1947, to read as follows:

§ 240.12d2-1 *Suspension of trading, withdrawal, and striking from listing and registration.*¹ (a) * * *

(2) Any such suspension may be continued until such time as it shall appear to the Commission that such suspension is designed to evade the provisions of section 12 (d) (48 Stat. 893; 15 U. S. C. 781 (d)) and the rules and regulations thereunder relating to the withdrawal and striking of a security from listing and registration. During the continuance of such suspension the exchange shall notify the Commission promptly of any change in the reasons for the suspension. Upon the restoration to trading of any security suspended under this section, the exchange shall notify the Commission promptly of the effective date thereof.

(Secs. 12 (d) 23 (a) 48 Stat. 892, 901, 15 U. S. C. 781, 78w)

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2079; Filed Mar. 6, 1947; 8:46 a. m.]

¹ Appears as § 240.12d-2 in 17 CFR; designation changed to § 240.12d2-1, Sept. 10, 1938, 17 CFR Cum. Supp. § 240.12d2-1.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 103.42]

PART 1—ORGANIZATION

PART 2—FUNCTIONS

ESTABLISHMENT OF FOREIGN SERVICE INSTITUTE

Under authority contained in R. S. 161 (5 U. S. C. 22), and in accordance with the provisions of Title VII of the Foreign Service Act of 1946 (60 Stat. 1018), there is hereby established in the Department of State the Foreign Service Institute. Its purpose shall be to improve the skills, broaden the understanding, and develop the abilities of Foreign Service and Department personnel, and other Federal employees requiring instruction in the field of foreign relations, by furnishing extensive and systematic training and by promoting and fostering programs of study incidental to such training.

The Director General of the Foreign Service is authorized to establish an Advisory Committee to serve as a consultative body to the Director of the Foreign Service Institute with respect to the activities thereof.

Accordingly, Title 22, Part 1, § 1.2 (g) (6), and Part 2, § 2.9 (m) (11 F. R. 177A-3 and 177A-5), are amended by changing the lines reading "Division of Training Services" to read, "Foreign Service Institute"

(R. S. 161, sec. 12, Pub. Law 404, 79th Cong., 60 Stat. 244; 5 U. S. C. 22)

This regulation shall become effective on the date of its promulgation in the FEDERAL REGISTER.

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 47-2075; Filed, Mar. 6, 1947; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 58 Stat. 177, 58 Stat. 827, 59 Stat. 638, Pub. Laws 388 and 475, 79th Cong.; E. O. 8024, 7 F. R. 323; E. O. 8040, 7 F. R. 527; E. O. 8125, 7 F. R. 2719; E. O. 8593, 10 F. R. 10155; E. O. 8638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9803, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, as Amended March 6, 1947]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account

and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M-328—(a) Definitions.* As used in this order: (1) The term "textile, clothing and related products" includes the following items:

- (i) Animal bristles and hair.
 - (ii) Clothing, footwear (including safety shoes, hats, gloves, and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber, or fabrics). However, this does not include rubber footwear, professional rubber gloves, or the following items when such items are specifically designed and used to furnish protection against occupational hazards (other than weather):
 - Asbestos clothing.
 - Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
 - Metal mesh gloves, aprons and sleeves.
 - Other safety leather gloves or mittens, but only if steel-stitched or steel-reinforced.
 - Plastic and fiber safety helmets.
 - Safety belts and harnesses.
 - Safety clothing impregnated or coated for the purposes of making the same resistant against fire, acids or other chemicals or abrasives.
 - Safety industrial leather clothing other than gloves or mittens.
 - Safety industrial rubber gloves and hoods, and linemen's rubber gloves and sleeves.
 - (iii) Cotton, wool and synthetic yarns and blends of the foregoing.
 - (iv) Woven, felted, knitted and braided fabrics of cotton, wool or synthetic yarns and blends of the foregoing, including but not limited to:
 - Bedsheets.
 - Pillow cases.
 - Blankets.
 - Towels.
 - Diapers.
 - Face cloths.
 - Table "linens."
 - (v) Dyestuffs, which means organic coloring matter even though the matter itself appears colorless. The term does not include inorganic pigments extended or otherwise processed with resins, with dispersing agents, or with other substantially colorless organic material.
 - (vi) The following metal shoe findings:
 - Arch supports.
 - Box toes and caps.
 - Heel rims and plates.
 - Heel washers.
 - Shoe chanks.
 - Toe rims and plates.
 - Steel wire shoe nails.
 - (vii) Hides, skins, furs and leather and products made primarily therefrom.
 - (viii) Manila, agave,istle, hemp (cannabis sativa), jute, coir yarn and other fibers, suitable for cordage (rope and twine), and cordage products made primarily therefrom.
 - (ix) Mops.
 - (x) Slide fasteners.
 - (xi) Sponges, marine and loofa.
 - (xii) Textile fibers (animal, vegetable, or synthetic, including curled istle) and products made primarily from textile fibers or textiles. This does not include fabrics after they have been coated or impregnated, fire hose, fire hose jackets, sisal processors' mill waste or sisal bagasse.
 - (xiii) Steel tacks (except thumb tacks).
 - (xiv) Synthetic rubber thread and products made therefrom.
- (2) "Cotton fabric" means any fabric 12" or more in width woven or braided

from cotton yarn which contains 50% or more by weight of cotton or cotton waste or any combination of the two. The term includes not only fabrics in the grey and yarn dyed fabrics, original mill or regular finish, but also fabrics which have been bleached, Sanforized, dyed or printed; and includes shorts, seconds, remnants or mill ends. The term does not include blankets or blanketing containing 25% or more by weight of wool; or fabrics (other than blankets or blanketing) containing wool produced on the woolen or worsted system.

(3) "Producer," with respect to cotton fabrics, means any person who weaves for his own account, or has woven for his account, any cotton fabric in the forty-eight States or the District of Columbia. A person who weaves cotton fabric for the account of another is not a producer of that fabric for the purpose of this order.

(4) "Rayon fabrics" means any woven or knitted (both circular and warp) fabric, containing less than 25% wool by weight, but of which the remaining fibers are more than 50% of synthetic fiber (filament or spun yarn, or their blends) by weight. For example, a fabric containing 20% wool, 41% rayon, and 39% cotton is a rayon fabric. Except where otherwise indicated, it includes such fabrics, whether grey, original mill, or regular finish, bleached, dyed, printed, or otherwise processed as fabric.

(5) With respect to rayon fabrics, "producer" means any person who weaves or knits rayon fabrics from yarn owned by him, or who has rayon fabrics woven or knitted for his account from yarn owned by him, whether he delivers them in the grey, finished, or partially finished state. If a person supplies yarn to a weaver or knitter for processing on a basis under which a part of the fabric produced from that yarn is to be owned by the yarn supplier, and part by the weaver or knitter, the yarn supplier is the producer of that part of the fabric which he will get, and the weaver or knitter is the producer of the remainder. Where a person supplies yarn to a weaver or knitter in exchange for fabric not made from the yarn supplied, the weaver or knitter is the producer of all of the fabric made from the yarn which he gets in this way as well as of any other fabric produced by him.

(6) "Finished goods supplier" means any person who finishes, or has finished for his account, rayon fabrics which he owns, whether he produces them in the grey, finished, or partially finished state.

(7) "Cotton textile" means any of the following:

(1) Cotton yarn containing 50% or more by weight of cotton or cotton waste or any combination of the two, spun on roving, ring, tube twister or converted twister spindles, or produced on the woolen system. The term includes grey, bleached, mercerized, colored, glazed or polished yarn, whether single, ply, twisted or braided and including thread, sash cord, rope, twine and cordage (for example, tying, sail or seine twine, and cotton tire cords, including cotton tire cord held together loosely or by one or more picks) or

(ii) Cotton fabric; or
(iii) The following cotton fabric products: Bedsheets, pillow cases, blankets, towels, diapers, face cloths, table "linens" and fish netting.

(b) *CPA may issue directions.* The Civilian Production Administration may issue published directions, or specific directions to individual producers or processors of textile, clothing and related products, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no person shall produce, fabricate, process, deliver or accept delivery contrary to these directions.

The general policy of CPA, however, will be not to issue further directions, published or unpublished, for the manufacture or distribution of textile, clothing, and related products.

These materials are no longer subject to price controls, and most of the former CPA controls over production and distribution have been eliminated. Military requirements were greatly reduced many months ago, and now represent a small part of total consumption. Supplies for industrial, commercial, agricultural and other civilian uses should now be obtainable by persons making adequate and timely efforts to fill their needs, from among the many sources of supply. Even when the most desirable materials may not be readily available, usable substitutes should be obtainable. Some further readjustments between sources of supply and purchasers may occur, but this readjustment might well be delayed, rather than avoided, by additional directions.

In general, therefore, directions will not be issued, unless an unforeseeable emergency should arise, such as that caused by fire, flood, or other disaster, and would clearly cause severe community or other hardship to a large number of people if such action by CPA is not taken.

(c) *Rating ceilings—(1) Producers.* No producer need accept or fill MM or CC rated orders which would cause him to deliver during any calendar quarter on such rated orders more of any cotton or rayon fabric than a quantity equal to the percentage, specified in the attached table, applied to a figure equal to his total production of that fabric during the previous calendar quarter (the term "any cotton or rayon fabric" refers to any group of fabrics having the same Item Number in the CPA-658 form indicated).

(2) *Rayon finished goods suppliers.* No finished goods supplier need accept or fill MM or CC rated orders which would cause him to deliver during any calendar quarter on such rated orders more of any rayon fabric than a quantity equal to the percentage, specified in the attached table, applied to a figure equal to his total deliveries of that fabric during the previous calendar quarter (the term "any rayon fabric" refers to any group of fabrics having the same Item Number in the CPA-658 form indicated).

(3) *General rating ceiling provisions.* The rating ceilings established in this order are separate for each fabric or group of fabrics having the same Item Number, and deliveries on rated orders

in excess of one of these ceilings may not be charged against any of the other ceilings. Within the ceiling for the fabrics covered by any Item Number, MM rated orders must be accepted and filled in preference to undelivered orders with CC ratings, in accordance with Priorities Regulation 1, and all other rules of that regulation also apply.

(4) *Kinds of ratings affected.* Paragraphs (c) (1) and (c) (2) above refer to MM and CC rated orders. Orders rated AAA must be accepted and filled regardless of the rating ceiling.

(d) *Information required on rated orders for cotton textiles.* (1) Each person applying or extending a preference rating for any cotton textile shall add to his rating certificate a statement as to the source of the rating substantially as follows:

This rating has been assigned on Form CPA _____, Serial Number ____ (insert the CPA Form Number and Serial Number; or if the rating was not assigned on a CPA Form, state the source of the rating by specifying the military contract number).

(2) The above requirement does not apply to the United States Army, Navy, or Maritime Commission on their direct purchase orders.

(e) *Restriction on serving ratings on another producer—(1) Cotton yarn.* No producer of cotton yarn shall use any preference rating to obtain cotton yarn from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing in writing that his own production is insufficient or unsuitable.

(2) *Cotton fabric.* No producer of cotton fabric shall use any preference rating to obtain cotton fabric from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing in writing that his own production is insufficient or unsuitable.

(f) *Integrated operations.* Requisitions for intra-company deliveries of fabrics from the producing mill shall be treated as if they were purchase orders, for the purposes of this order.

(g) *Applicability of regulations.* Except as otherwise provided in this order or any direction under it, this order and such direction and all transactions affected thereby are subject to all applicable regulations of the Civilian Production Administration.

(h) *Appeals.* (1) Any appeal from the provisions of this order or of any direction to it shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(2) No direction or order relating to textile, clothing or related products (whether or not it refers to Order M-328) shall be deemed to require the furnishing of materials or facilities to the Civilian Production Administration. If a direction or order requires the furnishing of materials or facilities to a contracting agency or to its contractors, or the production of a specified amount of a material or product, or restricts all or part of a person's production or inventory to specified purposes, and if the person affected cannot get firm orders to cover the materials, facilities, production

or inventory involved, he may appeal, and the Civilian Production Administration will grant appropriate relief.

(i) *Reports.* Producers of cotton textiles and rayon fabrics shall file reports on Forms CPA-658A, 658B, 658C, and 658E, in accordance with the instructions on those forms. Producers of woven fabrics made on woolen and worsted looms, felt and hat bodies, shall file reports on Form CPA-1420, in accordance with the instructions on that form. These reporting requirements have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(j) *Records.* Each person participating in any transaction to which this order applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and his inventories of the material involved, in accordance with § 944.15 of Priorities Regulation 1.

(k) *Violations and false statements.* Any person who wilfully violates any provision of this order, or any direction under it, or who in connection with this order, or any such direction, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Communications.* All reports to be filed hereunder and communications concerning this order or any direction under it shall, unless otherwise directed, be addressed to the Civilian Production Administration, Textile Division, Washington 25, D. C., Ref. M-328.

(m) *Expiration date.* This order shall expire at the end of March 1947.

Issued this 6th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

RATING CEILING TABLE

Item numbers

Cotton fabrics:	Ceiling percentage for MMM and CC ratings
Fine cotton goods:	
1, 2, 7, 11-29, 32, 35, 37-39, 42, 43, 45, 47-51 on Form CPA-658C; and 157- 159 on Form CPA-658B	5
3-6 on Form CPA-658C	20
33-34 on Form CPA-658C	100
36 on Form CPA-658C	93
All other combed, part combed and fine carded fabrics listed in Form CPA-658C and not elsewhere speci- fied above under the heading "Fine Cotton Goods"	10
Carded grey goods:	
5-12 on Form CPA-658A	5
1-3, 14-17, 19, 21-23, 25, 26, 28, 30-33, 34, 35, 37-39, 40, 42, 55, 63, 64, 66, 73, 75, 102, 110, 122, 123, 128, 131, on Form CPA-658B	2
12, 13, 18, 20, 24, 27, 29, 41; 43, 44-47, 49, 50-54, 56, 59-62, 65, 67, 68, 69, 72, 74, 77, 78, 79, 81, 82, 83-92, 97-101, 103-109, 111-121, 129-130, 133-139, 142, 143, 151-156, 162, on Form CPA- 658B	5

No. 47—3

RETAIL CEILING TABLE—Continued

Item numbers—Continued

Cotton fabrics—Con. Ceiling percentage for Carded grey goods—Con. MMM and CC ratings	
71, on Form CPA-658B	8
76, on Form CPA-658B	6
80, on Form CPA-658B	50
83, 84, 124-126, 161, on CPA-658B	10
148-149, on Form CPA-658B	7
All other carded cotton woven fabrics reported on Form CPA-658A or B not elsewhere specified above under the heading "Carded Grey Goods"	10
Rayon fabrics: Form CPA-658C (12- 19-46).	
Pile, upholstery, and tie fabrics (50 percent or more rayon)	
52—Velvets, plushes, and other pile fabrics	1/2
53—Upholstery, drapery and tape- stry fabrics	1/2
54—Tie fabrics (shaft and jac- quard), yarn dyed	1/2
55—Tie fabrics (shaft and jac- quard), non yarn dyed	
100% filament rayon fabrics—flat fab- rics (producers' twist in warp and filling)	
56—Bright Viscose taffetas (includ- ing semidull)	2 1/2
57—Pigment viscose taffetas	2 1/2
58—Acetate taffetas	2 1/2
59—Cross-dyed taffetas	5
60—Jersey weaves	5
61—Sharkskins	5
62—Twills and cerges, 83 to 140 sley	5
63—All other twills and cerges	1 1/2
64—Viscose satins	2 1/2
65—Acetate satins	2 1/2
66—All other flat fabrics	5
100% filament rayon fabrics twisted yarn fabrics (more than pro- ducers' twist in warp and/or fill- ing):	
67—Creme satins (including volle filled)	2 1/2
68—Flat, faille and canton crepes	2 1/2
69—French crepes (volle twist fill- ing)	2 1/2
70—Piled yarn fabrics—plain weaves	5
71—Piled yarn fabrics—fancy weaves	5
72—Marquissettes (leno weave)	1
73—Ninons and volles (volle twist warp and filling)	1
74—Other sheers (georgettes, triple sheers, etc.)	5
75—All other twisted yarn fabrics	5
100% spun rayon fabrics:	
76—Twills (including cerges, gabar- dines, etc.)	5
77—Ribbed and corded fabrics (pop- lin, Bedford cord, etc.)	5
78—Challis	5
79—Linen type and flasks	5
80—Piled yarn fabrics (gullings, shirting, etc.)	2 1/2
81—Other 100% spun rayon fab- rics	5
Filament and spun rayon fabrics:	
82—Ribbed and corded fabrics (pop- lins, failles, beng, etc.)	5
83—Shantungs (tub and club)	5
84—Fujis	5
85—Other filament and spun rayon fabrics	5
Rayon mixtures and blends with fibers—rayon and wool:	
86—Less than 25% wool (51% or more rayon)	
87-92—25% or more wool (other than blankets)	
93A—Filament rayon and cotton other than twills and cerges, 83 to 140 sley	6

¹ Rayon twills and cerges, 83 to 140 sley, inclusive, are listed above as Item No. 62 if made entirely of rayon, and as Item No. 63B if made with rayon warp and cotton filling.

RETAIL CEILING TABLE—Continued

Item numbers—Continued

Rayon fabrics—Con. Ceiling percentage for Rayon mixtures and blends with fibers—rayon and wool—Con.	
93B—Twills and cerges, 83 to 140 sley, incl	1 1/2
51% or more rayon with fibers other than wool:	
94—Spun rayon and cotton	5
95—Rayon and other fibers	5

Note: (1) All references in this table to CPA forms in the 658 series refer to those forms as revised 12/19/46. (2) In transposing the rating ceiling percentages for reference numbers 27 and 28 from Order M-317A, upon the revocation of that order and the simultaneous amendment of Order M-323 on January 14, 1947, it was not intended to change the rating ceiling percentage of 2% for reference number 27, and 5% for reference number 28. Producers may therefore regard the rating ceiling percentages specified for these two reference numbers in this table as amended March 6, 1947, as having been in effect since the previous amendment of this order on January 14, 1947.

DIRECTIONS TO ORDER M-323

All published directions to Order M-323, issued before March 6, 1947, have been revoked.

[F. R. Doc. 47-2223; Filed, Mar. 6, 1947; 11:18 a. m.]

PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM

[Veterans' Emergency Housing Program 1, Direction 2, as Amended March 6, 1947]

PREPARING CPA-4423 APPLICATIONS

The following amended direction is issued pursuant to Veterans' Emergency Housing Program 1.

(a) Applications for authorization under Veterans' Housing Program Order 1 to do non-housing construction or repair work restricted by that order are filed on Form CPA-4423. This form requires the applicant to state in item 4 c the estimated cost of processing equipment to be used in the proposed project, excluding reused equipment. In item 5 the applicant is required to state the estimated cost of the project, not including the cost of the land, existing structures and architects' and engineers' fees. The figure in item 5 is to be broken down into two items, the cost of fixtures and building service (mechanical) equipment and the cost of structures, excluding the cost of fixtures and mechanical equipment.

(b) The applicant should enter, under item 4 c the total cost or value of all of the kinds of equipment and machinery listed under paragraph (b) (2) of Supplement 1, except used equipment. The figure entered in item 4 c should also include the total cost or value of the kinds of items listed under paragraph (b) (3) of Supplement 1, (except when they are fixtures) excluding the cost or value of used equipment. These paragraphs list various kinds of processing equipment and various kinds of servicing equipment.

(c) The applicant should enter as the "cost of fixtures and building service (mechanical) equipment" in item 5 the cost or value of all of the items of the kinds described and listed in paragraph (b) (1) of Supplement 1 to VEP-1. This paragraph lists various kinds

of fixtures and plumbing, heating, lighting and ventilating equipment. He should also enter the cost or value of items listed in paragraph (b) (3) when fixtures. The cost of installation of fixtures and items of equipment should be included along with the cost of the fixtures and the equipment. It is not necessary to include the cost of used fixtures and equipment (or the cost of installation) which have been severed from the structure or another structure owned by the builder (the owner or occupant of the building) and are to be used without change of ownership.

(d) The applicant should include as the "cost of structure" in item 5 the cost of the building or buildings, excluding the cost of processing equipment and the cost of fixtures and mechanical equipment. The applicant need not include in this figure the cost or value of materials and labor which do not constitute part of the cost of the construction job under paragraph (g) of Supplement 3 to VHP-1. Paragraph (g) (2) of that supplement lists numerous specific items which may be excluded from the cost of a job under VHP-1.

(e) In reviewing an application to determine whether it should be approved, the Civilian Production Administration relies upon the statements and representations made in the application and in supplementary documents filed with the application. Severe criminal penalties may be imposed for making wilfully false statements or representations in connection with these applications. This imposes upon persons making statements and representations in connection with applications great responsibility for the correctness of these statements and representations. In addition, the granting of the authorization imposes upon the builder and others concerned with the project, the responsibility of carrying out the provisions of the authorization and the representations made. For this reason it is important that each of the statements and representations involved should be made by a person familiar with the facts and responsible for their correctness and truthfulness. Contractors and architects and landlords may be in a position to assume responsibility for the performance of the construction in accordance with the authorization but ordinarily they are not in a position to accept responsibility for the correctness of statements and representations as to the need for the building and the use to which it will be put. The application should be made and signed by the person who is to be responsible for the construction, normally the individual who, or a responsible officer of the corporation which, owns or is to own the building or other structure involved. If the person who signs the application is not personally familiar with the need for the proposed work and therefore is not in a position to assume responsibility for statements and representations with respect to the need for the building and the purpose to which it is to be put, these statements and representations should be made in a letter attached to the application signed by the prospective occupant of the building or a responsible officer of the corporation which is to occupy it, or any other person who is in a position to accept the responsibility for these statements.

(f) If a builder wishes to complete construction of a project on which some work has been done, and on which construction

has been stopped, this fact should be stated in the application. The applicant should give, either on the application or in a letter attached to the application, full information about the beginning of the construction, including a statement of the nature and cost of the work previously done and a statement as to when it was done and including also a statement as to the exact nature and the estimated cost of the work required for completion, together with a statement about the circumstances under which construction was stopped, referring particularly to any stop telegram, suspension order, consent order or injunction involved. If the application is approved, authorization will be given only for the work which has not yet been done.

Issued this 6th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2230; Filed, Mar. 6, 1947;
11:18 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328, Revocation of
Direction 32]

COTTON AND RAYON FABRICS FOR PROCESSING IN PUERTO RICO

Direction 32 to Order M-328 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under it.

This revocation does not affect the validity of any ratings which were assigned under the direction before March 6, 1947. However, no person may apply any further CC ratings under the direction.

Any valid ratings applied under Direction 32 may continue to be extended, orders bearing such ratings must still be accepted and filled, and material obtained with these ratings must continue to be used, if possible, for the purpose for which the priorities assistance was given, in accordance with the Priorities Regulations.

Issued this 6th day of March 1947.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-2231; Filed, Mar. 6, 1947;
11:18 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[3d Rev. RO 3, Amdt. 39]

SUGAR

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

* 11 F. R. 177, 14281.

Third Revised Ration Order 3 is amended in the following respects:

1. Section 1.4 (b) (1) is amended to read as follows:

(1) The sugar must be sugar manufactured tax-free under section 402 (d) of the Sugar Act of 1937, except as provided in paragraph (c) (7) of this section.

2. Section 1.4 (c) is amended by adding the following:

(7) If the farm is incorporated, a statement that all of the stock of the corporation owning the farm is held by persons who reside on and manage the farm.

NOTE: Many persons own and operate sugar beet and sugarcane farms which are incorporated. Such persons are not entitled to obtain tax-free sugar under the provisions of section 402 (d) of the Sugar Act of 1937. Nevertheless, for sugar rationing purposes, they are, if they reside on and manage such farms, as entitled to obtain ration-free sugar under section 1.4 as are owners who reside on and manage unincorporated farms.

3. Sections 1.9 and 1.10 are deleted.

4. Section 2.2 (b) is amended by deleting the second sentence and inserting in place thereof the following: "The application must be made on or after the 10th day of the month preceding the beginning of the allotment period but not more than 5 days after the beginning of the allotment period."

5. Section 4.9 (a) is amended by adding the following sentence to read as follows: "Each report, required to be filed under this section, shall be filed in duplicate."

6. Section 4.11 is added to read as follows:

SEC. 4.11 *Certain wholesalers may exchange valid ration stamps and coupons for a ration check.* (a) Any wholesaler, whose ration bank account has been closed under the provisions of section 4.10 of this order and whose supplier will not deliver sugar upon the surrender of ration stamps and coupons properly affixed to gummed sheets, may exchange such ration evidences at the Sugar Branch Office for a ration check.

(b) The Sugar Branch Office shall determine that the ration stamps and coupons have been affixed to gummed sheets as required by this order and shall forward such gummed sheets to the Regional Office. The Regional Office, after verifying the validity of the ration stamps and coupons, shall issue to the wholesaler a ration check not to exceed the total weight value of the ration stamps and coupons surrendered by the wholesaler less the weight value of any stamps and coupons which are found to be invalid or counterfeit.

7. Section 5.6 is amended by changing the words "Director of Sugar Rationing Division" in the title and in the text to read "Deputy Commissioner for Sugar"

8. Section 8.5 (a) is amended by adding a note to read as follows:

NOTE: A Court, however, may require the person obtaining sugar on judicial sale to surrender evidences for such sugar at the time of the sale. The evidences so surrendered shall be given up by the person

appointed by the Court to collect the evidences to the appropriate Sugar Branch Office of the Office of Price Administration.

9. Section 8.8 is amended by adding a new paragraph (g) to read as follows:

(g) *Prohibition of sale or purchase of ration evidence or sugar* The sale or purchase of ration evidences or sugar under the provisions of this section is not permitted. An industrial user may deliver sugar or ration evidences for making an industrial use of such sugar or ration evidences under the provisions of this section only where the production of the product which is permitted under this section is for the benefit or use of the transferor. Thus, a transferee's offer of money or payment of money for ration evidences or sugar to be "tolled" to him in order to increase the production of the transferee's product is not valid under this section.

10. Section 11.2 (d) is amended to read as follows:

(d) No person may use an imported sugar-containing product in the production or manufacture, or in the preparation for service, or other products, except to the extent permitted by this section, unless specifically authorized by the Deputy Commissioner for Sugar of the Office of Price Administration.

11. Section 20.1 (a) is amended to read as follows:

(a) The Deputy Commissioner for Sugar of the Office of Price Administration may, from time to time, issue orders establishing zones for the purpose of this section.

12. Section 20.1 (b) (d) and (f) are amended by substituting the words "Deputy Commissioner" for the word "Director" wherever such word shall appear therein.

13. Section 22.16 (a) is amended by substituting the words "Deputy Commissioner for Sugar" for the words "Deputy Administrator for the Price Department" wherever they appear.

This amendment shall become effective March 10, 1947.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 6th day of March 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Amendment No. 39 to Third Revised Ration Order 3

Present regulations. The present regulations provide that sugarcane or sugar beet growers under certain conditions may receive from a primary distributor without giving up ration evidences limited amounts of sugar under the provisions of section 1.4 provided that the sugar is manufactured tax-free under section 402 (d) of the Sugar Act of 1937.

The present regulations provide that applications for allotments by industrial users must be filed not more than 20 days before and not more than 5 days after the beginning of the allotment period.

Proposed amendment. This amendment provides that persons who own and operate sugarcane and sugar beet farms which are incorporated will be entitled to obtain limited amounts of sugar under the provisions of section 1.4 even though the sugar is not manufactured tax-free under the provisions of section 402 (d) of the Sugar Act of 1937.

This amendment also provides that an application for an allotment by an industrial user must be made on or after the 10th day of the month preceding the beginning of the allotment period but not more than 5 days after the beginning of such period.

The amendment further provides that any wholesaler whose ration bank account has been closed under the provisions of this order and whose supplier will not deliver sugar upon the surrender of ration stamps and coupons properly affixed to gummed sheets may exchange such ration evidences at the Sugar Branch Office for a ration check.

Section 8.5 is clarified by specifically providing that, although sugar may be sold under judicial sale without the surrender of ration evidences, the court may require the person obtaining sugar on a judicial sale to surrender evidences for such sugar at the time of sale. The evidences so surrendered shall be given up to a Sugar Branch Office of the Office of Price Administration.

Section 8.8, the "tolling" section, is clarified by adding a paragraph specifically prohibiting the offer of money or any other valuable consideration by a transferee for the transfer of sugar or ration evidences to be used solely for the benefit of the transferee.

Sections 5.6, 11.2, 20.1 and 22.16 are amended by substituting the words "Deputy Commissioner for Sugar" for the words "Deputy Administrator for Sugar" and "Deputy Administrator for the Price Department".

Reasons for amendment. Under the provisions of section 402 (d) of the Sugar Act of 1937, persons who own and operate a sugar beet or sugarcane farm which has been incorporated are not permitted to obtain tax-free sugar. For the purposes of rationing, the privilege of permitting sugar beet growers to obtain sugar without giving up ration evidences in order to stimulate larger plantings of sugarcane or sugar beets should apply whether the farms on which such persons reside are incorporated or not. This amendment, therefore, will permit incorporated owners of sugar beet and sugarcane farms to obtain limited amounts of sugar under the provisions of section 1.4 provided that they establish that all of the stock of the corporation on the farm is held by persons who reside on and manage the farm in lieu of establishing that the sugar is manufactured tax-free under the provisions of the Tax Act of 1937.

Certain primary distributors have refused to accept stamps and coupons from wholesalers whose ration bank accounts have been closed. Since these wholesalers are no longer permitted to maintain a ration bank account, they cannot acquire sugar except by the surrender of stamps or coupons. If a primary distributor will not accept stamps or coupons from a wholesaler, such whole-

saler will be unable to acquire any sugar. This amendment, therefore, will permit these wholesalers to exchange stamps and coupons at a Sugar Branch Office for a ration check.

The "tolling" provisions in section 8.8 were originally incorporated in the sugar order in order to minimize the difficulties of operation, including manpower shortages, transportation difficulties and breakdowns in machinery and equipment of the industrial user who was granted the privilege of tolling. An industrial user is permitted to deliver sugar or ration evidences for making an industrial use of such sugar or ration evidences under section 8.8 only where the production of the product is for the benefit of the transferor. The offer of money or other valuable consideration for the transfer of sugar or ration evidences to be used solely for the benefit of the transferee was not intended and is not permitted. This amendment, therefore, specifically prohibits the sale of ration evidences under the "tolling" provisions of the order.

[F. R. Doc. 47-2223; Filed, Mar. 6, 1947; 11:10 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

[CGFR-47-10]

AMENDMENTS TO REGULATIONS

A notice regarding the proposed changes in the regulations pertaining to licensing and certificating of merchant marine personnel was published in the FEDERAL REGISTER, dated September 27, 1946 (11 F. R. 11014) and a public hearing was held by the Merchant Marine Council on October 22, 1946, at Washington, D. C. All the written and oral comments and suggestions submitted were considered by the Merchant Marine Council and, where practicable, were incorporated into the amendments to the regulations.

The rules and regulations covering licensing and certificating of merchant marine personnel have been heretofore published in 46 CFR, Parts 25, 36, 62, 78, 96, 115, 138, and 155. The Coast Guard published these regulations in one pamphlet entitled, "Rules and Regulations for Licensing and Certificating of Merchant Marine Personnel." Since the publication of this pamphlet in February 1945, it has been found that the administration of rules and regulations pertaining to licensing and certificating of officers and seamen has been more uniform than when these requirements were published in various pamphlets containing the general rules and regulations for vessel inspection. The Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 238) also intended that procedural rules should be separated from the substantive rules. Because of this and since it has become necessary to revise the rules and regulations pertaining to licensing and certificating merchant marine personnel to meet peacetime operating conditions, all the existing rules and regulations have been studied and where necessary they have been altered, re-

RULES AND REGULATIONS

worded, or changed editorially so that they could all be restated in Subchapter B—Merchant Marine Officers and Seamen and the rules and regulations in 46 CFR, Parts 25, 36, 62, 78, 96, 115, 138, and 155 could be cancelled. Wherever possible, procedural rules have been separated from substantive rules. The changes made in substantive rules and regulations previously published were in accordance with the recommendations of the Merchant Marine Council made after considering the comments and suggestions at the public hearing held October 22, 1946, and no changes have been made in substantive requirements which were not considered then.

By virtue of authority vested in me, the following amendments to the regulations are prescribed and shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER.

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF DECK AND ENGINEER OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

The regulations in 46 CFR, Chapter I, are amended by adding a new Subchapter B, entitled "Merchant Marine Officers and Seamen" and a Part 10 reading as follows (the regulations in this part will be made effective by a proper notice to be published in the FEDERAL REGISTER)

SUBPART 10.01—GENERAL

Sec.
10.01-1 Basis and purpose of regulations.

SUBPART 10.02—GENERAL REQUIREMENTS FOR ALL DECK AND ENGINEER OFFICERS' LICENSES

10.02-1 Issuance of licenses.
10.02-3 Original licenses defined.
10.02-5 Requirements for original licenses.
10.02-7 Requirements for raise of grade of licenses.
10.02-9 Requirements for renewal licenses.
10.02-11 Requirements for extension of route.
10.02-12 Pilot of tank vessels not over 150 gross tons.
10.02-13 Sea service as members of the armed forces of the United States and on vessels owned by the United States as qualifying experience.
10.02-15 Lifting of limitations.
10.02-17 Indorsement of master's or mate's license as pilot.
10.02-19 Reexaminations and refusal of licenses.
10.02-21 Laws, general rules and regulations, and pilot rules to be furnished licensed officers.
10.02-23 Issuance of duplicate license.
10.02-25 Parting with license.
10.02-29 Suspension and revocation of licenses.
10.02-33 Right of appeal.

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

10.05-1 Ocean licenses qualifying for all waters.
10.05-3 Master of ocean steam or motor vessels.

Sec.
10.05-5 Master of coastwise steam or motor vessels.
10.05-7 Master of ocean or coastwise sail vessels.
10.05-9 Master of ocean or coastwise steam or motor yachts.
10.05-11 Master, mate, and pilot of steam or motor pilot boats, Puerto Rican, Hawaiian vessels, and steam fishing vessels.
10.05-13 Master of Great Lakes steam or motor vessels.
10.05-15 Master of bays, sounds, and lakes other than the Great Lakes steam or motor vessels.
10.05-17 Master of river steam or motor vessels.
10.05-19 Master of ferry steam or motor vessels.
10.05-21 Master or pilot of steam yachts.
10.05-23 Master of passenger barges.
10.05-25 Chief mate of ocean steam or motor vessels.
10.05-27 Chief mate of coastwise steam or motor vessels.
10.05-29 Second mate of ocean steam or motor vessels.
10.05-31 Second mate of coastwise steam or motor vessels.
10.05-33 Third mate of ocean steam or motor vessels.
10.05-35 Third mate of coastwise steam or motor vessels.
10.05-37 Mate of inland or river steam or motor vessels.
10.05-39 Pilot.
10.05-41 Indorsement of master's or mate's license as pilot or extension of pilot's route.
10.05-43 Examination for license as pilot.
10.05-45 Examination for license as deck officer of ocean or coastwise steam or motor vessels.
10.05-47 Examination for license as master of Great Lakes steam and motor vessels.
10.05-49 Examination for license as master of bays, sounds, and lakes other than the Great Lakes steam and motor vessels.
10.05-51 Examination for license as master of river steam or motor vessels.
10.05-53 Examination for license as master of ferry steam or motor vessels.
10.05-55 Examination for license as master or pilot of yachts on the Great Lakes, other lakes, bays, and sounds, or rivers.
10.05-57 Examination for license as master of passenger barges on the Great Lakes, other lakes, bays, and sounds, or rivers.
10.05-59 Examination for license as mate of inland or river steam or motor vessels.
10.05-61 Evaluation of experience not listed.

SUBPART 10.10—PROFESSIONAL REQUIREMENTS FOR ENGINEER OFFICERS' LICENSES (INSPECTED VESSELS)

10.10-1 No restrictions as to waters on engineers' licenses.
10.10-3 Grade and type of engineer licenses issued, and limitations placed thereon.
10.10-5 Removal of restrictions as to waters upon renewal of engineers' licenses.
10.10-7 Conversion of licenses from gross tonnage to horsepower limitations upon renewal.
10.10-9 Chief engineer; steam vessels.
10.10-11 Chief engineer; motor vessels.
10.10-13 First assistant engineer; steam vessels.
10.10-15 First assistant engineer; motor vessels.
10.10-17 Second assistant engineer; steam vessels.

Sec.
10.10-19 Second assistant engineer; motor vessels.
10.10-21 Third assistant engineer; steam vessels.
10.10-23 Third assistant engineer; motor vessels.
10.10-25 Engineers of motor vessels operating in Puerto Rican and Hawaiian waters.
10.10-27 Service as engine room watch electrician.
10.10-29 Evaluation of experience not listed.

SUBPART 10.15—LICENSING OF OFFICERS FOR UNINSPECTED VESSELS

10.15-1 Applicability of laws.
10.15-3 Vessels to which regulations apply.
10.15-5 Licenses issued and general provisions.
10.15-7 Related authority of licenses for inspected vessels.
10.15-9 Sea service as member of armed forces of the United States as qualifying.
10.15-11 Lifting of limitations.
10.15-13 Citizenship and age requirements.
10.15-15 Reexaminations and refusal of licenses.
10.15-17 Issuance of duplicate licenses.
10.15-19 Suspension and revocation of licenses.
10.15-21 Laws, general rules and regulations, and pilot rules to be furnished licensed officers.
10.15-25 Application and experience required for original or raise of grade of licenses.
10.15-27 Physical examination required for original and raise of grade of licenses.
10.15-29 Professional requirements for original and raise of grade of licenses.
10.15-31 Examination requirements for licenses.
10.15-33 Requirements for renewal of licenses.

SUBPART 10.20—MOTORBOAT OPERATORS LICENSES

10.20-1 General application.
10.20-3 General requirements.
10.20-5 Professional examinations.
10.20-7 Physical examination requirements.
10.20-9 Requirements for renewal.
10.20-11 Issuance of duplicate license.
10.20-13 Suspension or revocation of license.

SUBPART 10.25—REGISTRATION OF STAFF OFFICERS

10.25-1 Application of regulations.
10.25-3 Grades of certificates issued.
10.25-5 Staff department defined.
10.25-7 General requirements.
10.25-9 Experience requirements.

AUTHORITY: §§ 10.01-1 to 10.25-9, inclusive, issued under R. S. 4405, 4417a, 4428, 4437, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, 49 Stat. 1544, 53 Stat. 1147, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, as amended (46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237, 247, 367, 375, 391a, 404, 405, 526f, (50 U. S. C. 1275), and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

SUBPART 10.01—GENERAL

§ 10.01-1 *Basis and purpose of regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under R. S. 4405, 4417a, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, 49 Stat. 1544, 53 Stat. 1147, sec. 17, 54 Stat. 166, and sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237,

247, 367, 375, 391a, 404, 405, 526p, 50 U. S. C. 1275; the regulations in this part are prescribed to provide a comprehensive and adequate means of determining the qualifications an applicant must possess in order to be eligible for a license as deck or engineer officer on merchant vessels, for a license to operate motorboats, or for a certificate of registry as staff officer, in accordance with the intent of the statutes and to obtain their correct and uniform administration.

SUBPART 10.02-1—GENERAL REQUIREMENTS FOR ALL DECK AND ENGINEER OFFICERS' LICENSES

§ 10.02-1 Issuance of licenses. (a) Applicants for licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license.

(b) After application to an Officer in Charge, Marine Inspection, any person who is found qualified under the requirements set forth in this subchapter shall be issued an appropriate license valid for a term of five (5) years. In appropriate cases a limitation commensurate with the experience of the applicant shall be placed upon the license.

(c) Every person to whom a license is issued shall place his signature and left thumb print thereon, and upon any sheets attached for additional indorsements.

(d) Every person who receives a license shall make oath before an Officer in Charge, Marine Inspection, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

§ 10.02-3 Original license defined. The first license issued to any person by the Coast Guard shall be considered an original license, when the United States records show no previous issue to such person.

§ 10.02-5 Requirements for original licenses—(a) General. Before an original license is issued to any person to act in a licensed capacity on inspected vessels of the United States, he shall personally appear before an Officer in Charge, Marine Inspection and present satisfactory documentary evidence of his eligibility in respect to the requirements of this section.

(b) **Minimum age.** Any person who has attained the age of 21 years and is qualified in all other respects shall be eligible for a license except that a license as third mate, third assistant engineer or second class pilot may be granted an applicant who has reached the age of

19 years and who is qualified in all other respects, but no such license may be raised in grade before the holder thereof shall have reached the age of 21 years.

(c) **Citizenship.** No license shall be issued to any person who is not a citizen of the United States, either native-born or fully naturalized. The Officer in Charge, Marine Inspection must be satisfied as to the bona fides of all evidence of citizenship presented, and may reject any evidence that he has reason to believe is not authentic. Acceptable evidence of citizenship is described below in the order of its desirability, except that the first six (6) acceptable methods will be assigned equal weight:

(1) Birth certificate or certified copy.

(2) Naturalized citizens must present a Certificate of Naturalization.

(3) Baptismal certificate or parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(5) State Department passport.

(6) A commission in the United States Navy, Marine Corps, Coast Guard, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of these services subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(7) A continuous discharge book, certificate of identification, or merchant mariner's document issued by the Coast Guard or by the former Bureau of Marine Inspection and Navigation which shows the holder as an American citizen, provided the records indicate that the holder of such continuous discharge book, certificate of identification, or merchant mariner's document produced satisfactory evidence of his citizenship at the time of the issuance of the same.

(8) Delayed certificate of birth. If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship in the absence of any collateral facts indicating fraud in its procurement.

(9) If no one of the foregoing requirements can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district if residing in the country; also the names of parents, or the names of

other persons with whom residing on the date specified.

Note: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; April 1, 1930; and April, 1940. (Records for 1890 are not available.)

(11) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States, stating citizenship; school records; immigration records; or insurance policies.

(d) **Written application.** The Officer in Charge, Marine Inspection shall require all applicants for original license to make written application upon Coast Guard Form 866.

(e) **Physical examination.** (1) All applicants for an original license shall be required to pass a physical examination given by a medical officer of the United States Public Health Service and present a certificate executed by this Public Health Service Officer to the Officer in Charge, Marine Inspection. This certificate shall attest to the applicant's acuity of vision, color sense, and general physical condition. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by another reputable physician.

(2) Epilepsy, insanity, senility, acute venereal disease or neurosyphilis, badly impaired hearing, or other defect that would render the applicant incompetent to perform the ordinary duties of an officer at sea are causes for certification as incompetent.

(3) For an original license as master, mate or pilot, the applicant must have either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of the "Stillings" test, but any applicants who fail this test will be eligible if they can pass the "Williams" lantern test.

(4) Applicants for original engineers' licenses shall be examined only as to their ability to distinguish the colors red, blue, green, and yellow. No applicant for original license as engineer shall be disqualified for failure to distinguish colors if any of his required experience is served prior to the effective date of the regulations in this part.

(5) For original license as engineer the applicant must have, either with or without glasses, at least 20/30 vision in one eye and at least 20/50 in the other. The applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/50 in one eye and at least 20/70 in the other. Any applicant for original license who is possessed of monocular vision, and who has lost the sight of one eye since first obtaining his qualified member of the engine department certificate may be permitted to sit for a license if eligible in all other respects. Vision of at least

20/30 without glasses in the remaining eye shall be required in all such cases.

(6) Persons serving or intending to serve in the Merchant Service are recommended to take the earliest opportunity of ascertaining, through examination by an ophthalmic surgeon, whether their form vision, and color vision where required, is such as to qualify them for service in that profession throughout their sea career; the Public Health Service will give voluntary examinations to such persons requesting same, the color vision test will be by means of the "Stillings" test, or failing that, the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station, at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to one of the following stations: Baltimore, Md., Boston, Mass., Buffalo, N. Y., Chicago, Ill., Cleveland, Ohio, Detroit, Mich., Ellis Island, N. Y., Evansville, Ind., Galveston, Tex., Key West, Fla., Los Angeles, Calif., Louisville, Ky., Memphis, Tenn., Miami, Fla., Mobile, Ala., New Orleans, La., New York, N. Y., Norfolk, Va., Pittsburgh, Pa., Portland, Me., Portland, Oreg., Port Huron, Mich., Providence, R. I., Philadelphia, Pa., St. Louis, Mo., San Francisco Calif., Savannah, Ga., Seattle, Wash., Staten Island, N. Y., Vineyard Haven, Mass., and Washington, D. C.

(7) Where an applicant is not possessed of the vision, hearing, and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with the Public Health Service physician, may make recommendations to the Commandant for an exception to these requirements if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records and reports. In this connection recommendations from agencies of the Federal Government operating Government vessels as well as owners and operators of private vessels, made in behalf of their employees, will be given full consideration as a determining factor in arriving at a decision.

(f) *First Aid Certificate.* No candidate for original license shall be examined until he presents a certificate from the United States Public Health Service that he has passed a satisfactory examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea," or other manual arranged for the purpose and having the approval of the United States Public Health Service.

(g) *Experience or training.* (1) All applicants for original licenses shall present to the Officer in Charge, Marine Inspection, letters, discharges, or other official documents certifying to the amount and character of his experience and the names of the vessels on which acquired. Photostatic or certified copies of the aforementioned evidence may be accepted for purpose of filing with the application. No license shall be considered as satisfactory evidence of any qualifying experience required herein.

(2) No original license shall be issued to any person unless 25% of the required

experience has been obtained within the 3 years immediately preceding the date of application. Service in the armed forces of the United States shall not be counted in computing the 3 years.

(3) No original license shall be issued to any naturalized citizen on less experience in any grade or capacity than would have been required of a citizen of the United States by birth.

(4) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(5) No applicant for a license, who is a naturalized citizen, and who has obtained his experience on foreign vessels, shall be given a grade of license higher than that upon which he has actually served while acting under the authority of a foreign license.

(6) Experience in towed barges fitted with sails and rigging is not considered as sail vessel time.

(7) An applicant for original license as pilot may be given credit for experience on motor vessels of a class not subject to inspection by the Coast Guard and not required to carry a licensed master or a licensed pilot.

(h) *Professional examination.* (1) When the amount and character of an applicant's experience is found to be satisfactory and he is eligible in all other respects, the applicant shall be examined in writing by the Officer in Charge, Marine Inspection: *Provided, however* That upon navigable waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving licenses as pilots if they are otherwise qualified therefor.

(2) When the license application of any person has been approved, the Officer in Charge, Marine Inspection, shall give the applicant the required examination as soon as practicable. If applicants for license cannot be examined without material delay by the Officer in Charge, Marine Inspection, of the district in which the application is made, said Officer in Charge, Marine Inspection, shall endeavor, through the Coast Guard District Commander, to arrange for such examination by some other Officer in Charge, Marine Inspection.

(3) Merchant Marine Details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination or the character investigation which is required in the case of original licenses. Merchant Marine Details will therefore not issue regular licenses, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in which a Marine Inspection Office is located in order to exchange it for a permanent license. The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of licenses except as noted in the body of the temporary

permit. The requirements noted in the exceptions will be complied with as in the case of other applicants. The written examinations are forwarded to the Commandant by Merchant Marine Details, and any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant.

(i) *Character check and references.*

(1) The Officer in Charge, Marine Inspection, shall require all applicants for original licenses to have written indorsement of a master and engineer of a vessel on which he has served together with one other licensed officer. In the case of applicants for pilots' licenses, the other officer shall be a licensed pilot. Where no sea service is required for a license the applicant may have the indorsement of three reputable persons to whom he is known.

(2) Fingerprint records on Form CG 2515 shall be submitted to the Commandant on each applicant at the same time application for license is made. The application of any person may be rejected by the District Commander or his authorized representative when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he shall be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in this type case pending the Commandant's authorization.

(3) The fact that an applicant for an original license is on probation as a result of action under R. S. 4450, as amended, does not itself make such an applicant ineligible, provided he meets all the requirements for such original license. However, an original license issued under those circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this subchapter, however, shall be construed to permit an applicant to be examined for an original license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

§ 10.02-7 *Requirements for raise of grade of license—(a) General.* Before any person is issued a license for raise of grade to act on inspected vessels of the United States, he shall personally appear before an Officer in Charge, Marine Inspection, and present satisfactory documentary evidence of his eligibility in respect to the requirements contained herein.

(b) *Surrendering old license.* Upon the issuance of a new license or raise in grade, the applicant shall surrender the old license to the Officer in Charge, Marine Inspection.

(c) *Age requirement.* No license may be raised in grade before the holder thereof shall have reached the age of 21 years.

(d) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting raise of grade of license, require the applicant to make written application upon the Coast Guard Form 866.

(e) *Physical requirements.* (1) No license as master, mate, or pilot shall be raised in grade except upon the official certificate of a medical officer of the United States Public Health Service that the color sense of the applicant is normal. Applications for raise in grade of engineer's licenses shall not be subjected to such examination. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by another reputable physician. The test for color vision shall be by means of the "Stillings" test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same. See § 10.02-5 (e) (5) for a list of stations.

(2) In the event it is found that an applicant for raise of grade of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of an officer at sea, he shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency in such respects. Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a raise of grade of his license: *Provided*, He is qualified in all other respects; *And provided*, That his vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(f) *Experience or training.* (1) Applicants for raise of grade of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character, and citizenship before they are entitled to a raise of grade of license. Every licensed officer who has not to date established beyond doubt that he is a citizen of the United States should promptly take all necessary steps to secure this evidence before requesting a raise of grade of license.

(2) Applicants for raise in grade of license shall present to the Officer in Charge, Marine Inspection, letters, discharges, or other official documents certifying to the amount and character of his experience and the names of the vessels on which acquired. Photostatic or certified copies of the aforementioned evidence may be accepted for purpose of filing with the application.

(3) No raise of grade of license shall be granted to any applicant unless 25% of the required sea service shall have been served within 3 years immediately preceding the date of application. Service in the armed forces of the United States shall not be counted in computing the 3 years.

(4) No sea service acquired prior to the issuance of the license held shall be accepted as any part of the service required for raise in grade.

(5) No license for raise of grade shall be issued to any naturalized citizen on less experience in any grade than would have been required of a citizen of the United States by birth.

(6) The fact that an applicant for a raise in grade of license is on probation as a result of action under R. S. 4450, as amended, does not itself make such an applicant ineligible, provided he meets all the requirements for such raise in grade. However, a raise in grade of license issued under these circumstances will be subject to the same probationary conditions as were imposed against the seaman's certificates or licenses in proceedings under R. S. 4450, as amended. Any such applicant must file an application for license in the usual manner, and the offense for which he was placed on probation will be considered on the merits of the case in determining his fitness to hold the license applied for. Nothing in the regulations in this part, however, shall be construed to permit an applicant to be examined for a raise in grade of license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

(g) *Professional examination.* (1) When the amount and character of an applicant's experience for raise of grade is found to be satisfactory and he is eligible in all other respects, he shall be examined in writing by an Officer in Charge, Marine Inspection: *Provided*, however, That upon waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving a raise in grade of license as pilot if they are otherwise qualified therefor.

(2) Examinations for raise of grade of licenses may be taken in Coast Guard Merchant Marine Details abroad in accordance with § 10.02-5 (h)

§ 10.02-9 *Requirements for renewal of license.* (a) Applicants for renewals of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary before they shall be issued a renewal of license. Every

licensed officer who has not to date established beyond doubt that he is a citizen of the United States should promptly take all necessary steps to secure this evidence before requesting a renewal of his license.

(b) *Application for renewal.* The applicant for renewal shall appear in person before an Officer in Charge, Marine Inspection, except where the applicant would be put to great inconvenience or expense to appear in person or is engaged in a service that necessitates his continuous absence from the United States. In such cases the license may be renewed by forwarding the following documents to the Officer in Charge, Marine Inspection, of the office which issued the license to be renewed:

(1) A letter of transmittal indicating reasons for not appearing in person and stating that to the best of his knowledge no physical incapacity exists.

(2) The oath of office on the form prescribed by the Coast Guard which has been duly executed before a person authorized to administer oaths.

(3) The license to be renewed.

(4) Evidence of citizenship.

(5) Certification by a United States Public Health Service Medical Officer or other reputable physician that color sense is normal in the case of masters', mates', or pilots' renewals. And,

(6) Applicants for renewal of a master's, mate's, or pilot's license shall present evidence of service on the waters for which licensed obtained within the three years next preceding the date of application, or shall present evidence of employment in a position closely related to the operation of vessels within the same three year period.

(c) *Fitness.* No license shall be renewed if title has been forfeited or facts which would render a renewal improper have come to the attention of the Coast Guard.

(d) *Period of grace.* (1) Licenses shall be renewed within 12 months after the date of expiration as shown on the license held, except when an applicant's license has expired beyond the 12 month period of grace during the time of the holder's service with the armed forces or the Merchant Marine. The period of such service following the date of expiration as shown on the license shall be added to the 12 month period of grace.

(2) No license shall be renewed more than 30 days in advance of the date of the expiration thereof, unless there are extraordinary circumstances that justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(e) *Master's, mate's, or pilot's license.* Every Officer in Charge, Marine Inspection, shall, before renewing an existing license to a master, mate, or pilot who has not been employed on the waters for which he is licensed or who has not been employed in a position closely related to the operation of vessels during the three years next preceding the date of application for renewal, satisfy himself that such licensed officer is thoroughly familiar with the International Rules of the Road or the Pilot Rules Applicable

to the waters for which the applicant is licensed. A written examination may be required for this purpose, or the applicant may be examined orally and a summary of the oral examination placed in the officer's license file.

(f) *Physical requirements.* (1) No license as master, mate, or pilot shall be renewed except upon the official certificate of a medical officer of the United States Public Health Service that the color sense of the applicant is normal. Applicants for renewal of license as engineer shall not be subjected to examination as to ability to distinguish colors.

(2) The test for color vision shall be by means of the "Stillings" test, or failing that, by means of the "Williams" lantern test. A person failing the "Stillings" test and wishing to qualify by the lantern test shall, if the Public Health Station at which he is undergoing test is not equipped with a lantern, pay his own expenses to journey to such station as is equipped with same. (See § 10.02-5 (e) (5) for a list of stations.)

(3) In the event an applicant for renewal of license as master, mate, or pilot is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(4) In the event it is found that an applicant for renewal of license obviously suffers from some physical or mental infirmity to a degree that, in the opinion of the Officer in Charge, Marine Inspection, would render him incompetent to perform the ordinary duties of an officer at sea, the applicant shall be required to undergo an examination by a medical officer of the Public Health Service to determine his competency. If the applicant subsequently produces a certificate from the Public Health Service to the effect that his condition has improved to a satisfactory degree, or is normal, he shall be qualified in this respect.

(5) Nothing herein contained shall debar an applicant who has lost the sight of one eye from securing a renewal of his license, provided he is qualified in all other respects, and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes.

(6) In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination or certification may be made by another reputable physician.

(g) *Reissue of expired license.* (1) Whenever an applicant shall apply for renewal of his license for the same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the Officer in Charge, Marine Inspection, be sufficient to demonstrate adequately the continued professional knowledge of the examinee, except no professional examination will be required provided the license expired during the time of the holder's service with the armed forces or the merchant marine, and there was no reasonable opportunity for renewal. The Officer in

Charge, Marine Inspection, may require a written examination for this purpose.

(2) The renewed license shall receive the next higher number of issue of present grade and for the number of issues of all grades.

§ 10.02-11 *Requirements for extension of route.* (a) Whenever any licensed pilot applies to an Officer in Charge, Marine Inspection, for an extension of route over waters within his jurisdiction, he shall make written application on Coast Guard Form 866, and shall be examined in writing on the aids to navigation on such route and upon such other matters as may be deemed necessary and, if found qualified, such extension shall be indorsed upon the applicant's currently valid pilot's license: *Provided, however,* That upon waters of the United States newly opened to navigation, and where the only pilots obtainable are illiterate Indians or other natives, the fact that such persons can neither read nor write shall not be considered a bar to such Indians or other natives receiving extensions of route of licenses as pilots if they are otherwise qualified therefor.

(b) Applicants for extension of route shall present to the Officer in Charge, Marine Inspection, discharges, or letters from the master or other officer under whom they have served, or other satisfactory documentary evidence, certifying to the period of service, name of the vessel, and in what capacity the applicant has served. Photostatic copies of such letters and documents may be accepted for filing with the application.

(c) When an application is made to any Officer in Charge, Marine Inspection, for an extension of route which is outside his jurisdiction he may request the Officer in Charge, Marine Inspection, having jurisdiction to forward a list of questions and subjects for use in examining the applicant. The examination and work of the applicant will be returned to the Officer in Charge, Marine Inspection, having jurisdiction, who, if satisfied that the applicant is qualified and capable, shall grant the authority and advise the other Officer in Charge, Marine Inspection to indorse the license accordingly.

§ 10.02-12 *Pilot of tank vessels not over 150 gross tons.* All propelled tank vessels, regardless of length of tonnage, shall be under the command of a person duly licensed, and since propelled vessels of less than 150 gross tons may be in command of a licensed pilot, the license of a candidate who successfully passes an examination for this purpose shall be indorsed as follows: "Pilot for tank vessels not over ____ gross tons on the water of ____" (the maximum to be inserted is not to exceed 150 gross tons, and the water covered as may be designated by the Officer in Charge, Marine Inspection)

§ 10.02-13 *Sea service as member of armed forces of the United States and on vessels owned by the United States as qualifying experience.* (a) Sea service as a member of the armed forces of the United States will be accepted as qualifying experience for an original, raise in grade, or extension of route of license. Such service will be subject to evalua-

tion to determine its equivalence to the sea service required on merchant type vessels, and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. An applicant may be permitted to omit the examination for intermediate grades of license if his experience is of such character as to qualify him for a higher, or the highest, grade of license. The regulations governing the licensing of merchant marine personnel which are in effect on the date an applicant presents himself for examination shall be applicable in all cases.

(b) When any person who has served in a civilian capacity as commanding officer, master, mate, engineer, or pilot, etc., of any vessel owned and operated by the United States, in any service, in which a license as master, mate, engineer, or pilot was not required at the time of such service applies for an examination for license, the Officer in Charge, Marine Inspection, shall forward the application, together with his comments, to the Commandant for evaluation.

(c) For raise of grade of license service on United States light vessels propelled by machinery shall be considered as one-half experience to that obtained on vessels subject to the inspection laws of the United States.

§ 10.02-15 *Lifting of limitations.* (a) If any Officer in Charge, Marine Inspection, is satisfied by the documentary evidence submitted that an applicant is entitled by experience and knowledge to an increase in the scope of his license, he may change any limitations which he may have previously placed upon the license.

(b) No Officer in Charge, Marine Inspection, may change on any license a limitation which he did not place thereon before full information regarding the reason for the limitation is obtained from the Officer in Charge, Marine Inspection, responsible for the same and the applicant has made up any deficiency in the experience required.

(c) No limitation on any license may be changed before the applicant has made up any deficiency in the experience prescribed for the license desired and passed the necessary examination.

§ 10.02-17 *Indorsement of master's or mate's license as pilot.* Whenever a master or mate desires to act in the double capacity of master and pilot, or mate and pilot, and furnishes the necessary documentary evidence of his qualifications, the Officer in Charge, Marine Inspection, shall indorse such pilot routes on the license after the applicant has satisfactorily completed the required written examination.

§ 10.02-19 *Reexaminations and refusal of licenses.* (a) Any applicant for license or indorsement who has been duly examined and refused may come before the same Officer in Charge, Marine Inspection, for reexamination at any time thereafter that may be fixed by such Officer in Charge, Marine Inspection, but such time shall not be less than 1 month from the date of his last failure. In the case of another failure, he will not be

reexamined until after a lapse of at least 6 months from date of last failure.

(b) A candidate who has been duly examined and refused a license by an Officer in Charge, Marine Inspection, shall not be examined by any other Officer in Charge, Marine Inspection, until 1 year has elapsed from the date of the last refusal without the sanction of the Officer in Charge, Marine Inspection, that refused the applicant.

(c) If the Officers in Charge, Marine Inspection, refuse to grant an applicant the license applied for, they shall furnish him a statement setting forth the cause of their refusal.

§ 10.02-21 *Laws, general rules and regulations, and pilot rules to be furnished licensed officers.* Every master, mate, pilot, and engineer of vessels shall, when receiving an original license, a renewed license, or a raise of grade of license, be furnished by the inspectors with a copy of the Laws Governing Marine Inspection, and a copy of the General Rules and Regulations for vessel inspection prescribed by the Commandant, and every master, mate, and pilot of vessels and motorboat operator shall, when receiving an original license, a renewed license, or a raise of grade of license be furnished by the inspectors with a copy of the Rules of the Road and the Pilot Rules applicable to the waters for which their licenses have been issued.

§ 10.02-23 *Issuance of duplicate license.* (a) Whenever a person to whom a license has been issued loses his license, he shall report such loss to an Officer in Charge, Marine Inspection, who shall issue a duplicate license after receiving from such person a properly executed affidavit giving satisfactory evidence of such loss, and a record of the license from the Marine Inspection Office where it was issued. Such license shall be issued as a duplicate by the addition to the following typewritten indorsement, "This license replaces License Number _____ issued at _____ on the above date," as well as the port and date of the duplicate issue. The duplicate license, issued for the unexpired term, shall have the same force and effect as the lost license.

(b) When a person reports the loss of his license, or when it is discovered that any license or license form has been stolen from a Marine Inspection Office or when such lost or stolen licenses are recovered, the Officer in Charge, Marine Inspection, shall immediately report the loss, theft, or recovery to the Commandant giving a description of the license and all facts incident to its loss, theft, or recovery.

§ 10.02-25 *Parting with license.* If the holder of any license granted to a master, mate, engineer, or pilot, voluntarily parts with it or places it beyond his personal control by pledging or depositing it with any other person for any purpose, he may be proceeded against in accordance with the provisions of R. S. 4450, as amended, looking to a suspension or revocation of his license.

§ 10.02-29 *Suspension and revocation of licenses.* (a) When the license of any master, mate, engineer, or pilot is re-

voked such license expires with such revocation and any license of the same type subsequently granted to such person shall be considered in the light of an original license except as to number of issue.

(b) No person whose license has been suspended or revoked shall be issued another license except upon approval of the Commandant.

(c) When a license which is about to expire is suspended, the renewal of such license may be withheld until the expiration of the period of suspension.

§ 10.02-33 *Right of appeal.* Whenever any person directly interested in or affected by any decision or action of any Officer in Charge Marine Inspection, shall feel aggrieved by such decision or action with respect to the issuance of a license or a certificate, he may appeal therefrom to the District Coast Guard Commander having jurisdiction. A like appeal shall be allowed from any decision or action of the District Coast Guard Commander to the Commandant, whose action shall be final. Such appeals shall be made in writing within 30 days after the date of decision or action appealed from. Pending the determination of the appeal the decision of the Officer in Charge, Marine Inspection, shall remain in effect.

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

§ 10.05-1 *Ocean licenses qualifying for all waters.* Any license issued for service as master or mate on ocean vessels shall qualify the licensee to serve in the same grade on any waters subject to the limitations of the license and without additional indorsement other than for pilot routes as may be required on the particular waters.

§ 10.05-3 *Master of ocean steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of ocean steam or motor vessels is:

(1) 1 year's service as chief mate of ocean steam or motor vessels of 1,000 gross tons or over; or,

(2) 1 year's service as chief mate of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(3) 2 years' service as second mate of ocean steam or motor vessels of 1,000 gross tons or over while holding a license as chief mate of such vessels; or,

(4) 2 years' service as second mate of coastwise steam or motor vessels of 2,000 gross tons or over while holding a license as chief mate of such vessels; or,

(5) 1 year's service as master of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(6) 2 years' service as master of ocean or coastwise sail vessels of 700 gross tons or over, for license as master of freight or towing steam or motor vessels of not more than 3,000 gross tons; or,

(7) 3 years' service as master of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes, together with 1 year's service as second mate of ocean steam or motor vessels of 1,000 gross tons or over.

§ 10.05-5 *Master of coastwise steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of coastwise steam or motor vessels is:

(1) 1 year's service as chief mate of ocean or coastwise steam or motor vessels; or,

(2) 2 years' service as second mate of ocean or coastwise steam or motor vessels while holding a license as chief mate of ocean or coastwise steam or motor vessels; or,

(3) 2 years' service as master of Great Lakes or lake, bay or sound steam or motor vessels of 500 gross tons or over, except ferry vessels, together with 6 months' service as chief mate or 12 months' service as second mate of ocean or coastwise steam or motor vessels, while holding license as master of such Great Lakes or lake, bay or sound vessels; or,

(4) 5 years' service on ocean or coastwise sail vessels of 200 gross tons or over, 2 years of which service shall have been as master of such vessels, for license as master of coastwise freight and towing vessels of not over 750 gross tons; or,

(5) 1 year's service as a licensed master of ocean or coastwise sail vessels of 700 gross tons or over for a license as master of coastwise freight or towing vessels of not more than 3,000 gross tons; or,

(6) 2 years' service as master or first-class pilot of Great Lakes or lake, bay or sound towing steam or motor vessels of 150 gross tons or over, for license as master of coastwise towing vessels of 750 gross tons or under; or,

(7) 2 years' service as master of steam vessels of 1,000 gross tons or over, except ferry vessels, on the Great Lakes and other lakes, bays, or sounds, for license as master of coastwise vessels on routes not exceeding 300 miles; or,

(8) 2 years' service as a licensed master of steam or motor vessels of 250 gross tons or over, engaged in the ocean or coastwise fisheries, for license as master of coastwise, freight or towing vessels of not more than 750 gross tons; or,

(9) 3 years' service as operator of nondescript power-propelled vessels not carrying passengers for license as master of such vessels not exceeding 100 gross tons; 3 years' service as operator of nondescript power-propelled vessels carrying passengers for license as master of such vessels not exceeding 100 gross tons; on coastwise routes not exceeding 50 miles, and 15 miles offshore.

§ 10.05-7 *Master of ocean or coastwise sail vessels.* (a) The minimum service required to qualify an applicant for license as master of ocean or coastwise sail vessels of over 700 gross tons is:

(1) 5 years' service in the deck department of ocean or coastwise sail vessels of 200 gross tons or over; 1 year of such service shall have been as master of sail vessels of 500 gross tons or over; or,

(2) 2 years' service as master of ocean or coastwise sail vessels of 200 gross tons or over; or,

(3) 2 years' service as mate of ocean or coastwise sail vessels of 500 gross tons or over; or,

(4) 2 years' service as master of ocean or coastwise auxiliary sail vessels of 100 gross tons or over.

§ 10.05-9 *Master of ocean or coastwise steam or motor yachts.* The minimum service required to qualify an applicant for license as master of ocean or coastwise steam or motor yachts requiring licensed officers is 3 years' service in the deck department on ocean or coastwise steam, motor, or sailing yachts, of over 100 gross tons.

§ 10.05-11 *Master mate, or pilot of steam or motor pilot boats, Puerto Rican, Hawaiian vessels, and steam fishing vessels.* (a) This section shall apply to every applicant for a license as master, mate, or pilot, of steam pilot boats or seagoing motor pilot boats of 300 gross tons or over; or of steam vessels navigating the waters of the whaling grounds in the Alaskan seas; or of steam vessels engaged exclusively in the business of whale fishing; or of steam vessels engaged in the Atlantic, Pacific, or Gulf coast fisheries; or of steam or sail vessels navigating between ports of the Hawaiian Islands; or of steam or sail vessels or seagoing motor vessels of 300 gross tons or over, navigating between ports of the island of Puerto Rico.

(b) For original license as master, at least 3 years' experience in the deck department of such vessels is required.

(c) For original license as mate, at least 2 years' experience in the deck department of such vessels is required.

(d) Any person who has had at least 5 years' experience on sail vessels licensed in the fisheries of the United States, 2 years of which have been as master or mate of such sailing vessels, shall be eligible for a license as master or mate of steam fishing vessels to be employed exclusively in the Atlantic, Pacific, and Gulf coast fisheries.

(e) Any applicant for original license who has had 3 years' experience in the deck department on steam or motor pilot boats or who has had 2 years' experience in the deck department on steam or motor pilot boats and 1 year's experience on sail pilot boats, shall be eligible for license as mate of steam or motor pilot boats of 300 gross tons or over.

(f) Any master's or mate's license issued under this section may be indorsed as pilot on such inland waters on the coasts stated in his license as the appropriate Officer in Charge, Marine Inspection, may find the holder qualified to act on as pilot.

(g) An applicant for a master's license of seagoing vessels propelled by internal combustion engines navigating exclusively in the Coast Guard District covering the Hawaiian Islands shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character, trustworthiness, and ability of the applicant. The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits and, if satisfied by the oral examination or practical demonstration, and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate

from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such applicants.

§ 10.05-13 *Master of Great Lakes steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of Great Lakes steam or motor vessels is:

(1) 1 year's service as first-class pilot while acting in the capacity of first mate on Great Lakes steam or motor vessels; or,

(2) 5 years' combined service in the deck department of Great Lakes steam, motor, or sail vessels, 1 year of which has been as pilot or first mate; or,

(3) 1 year's service as master of Great Lakes steam or motor vessels of 150 gross tons or under while acting under the authority of a first-class pilot's license, or 2 years' service while acting under the authority of a second-class pilot's license.

(4) 3 years' service as master of barge consorts on the Great Lakes, one year of which service shall have been while holding a license as first-class pilot.

§ 10.05-15 *Master of bays, sounds, and lakes other than the Great Lakes, steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of steam or motor vessels on bays, sounds, and lakes other than the Great Lakes is:

(1) 1 year's service as first-class pilot or chief mate of steam or motor vessels on bays, sounds, or lakes other than the Great Lakes; or,

(2) 5 years' combined service in the deck department of sail vessels and vessels propelled by machinery on bays, sounds, or lakes other than the Great Lakes, 1 year of which has been as pilot or chief mate; or,

(3) 1 year's service as master of bays, sounds, and lakes other than the Great Lakes steam or motor vessels of 150 gross tons or under while acting under the authority of a first-class pilot's license, or 2 years' experience while acting under the authority of a second-class pilot's license; or,

(4) 5 years' service on bays, sounds, and lakes other than the Great Lakes sail vessels, 1 year of which has been as master; or,

(5) 3 years' service as master of bays, sounds, and lakes other than the Great Lakes sail vessels for license as master of steam or motor vessels; or,

(6) 2 years' service in the deck department of bays, sounds, and lakes other than the Great Lakes steam or motor vessels, 1 year of which shall have been either as wheelsman or in assisting in the navigation of such vessels, while holding a first-class pilot's license for bays, sounds, and lakes other than the Great Lakes, for license as master of steam or motor vessels of 500 gross tons and under navigating all bays, sounds, and lakes other than the Great Lakes.

§ 10.05-17 *Master of river steam or motor vessels.* The minimum service required to qualify an applicant for original license as master of steam or motor vessels navigating rivers exclusively is at least 3 years' service in the deck department of steam or motor

vessels: *Provided, That, 1 year of such service shall have been as licensed mate or pilot of steam or motor vessels, and, 1 year shall have been on river steam or motor vessels.*

§ 10.05-19 *Master of ferry steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as master of ferry steam or motor vessels on either the Great Lakes, other lakes, bays, and sounds, or rivers is:

(1) 1 year's service as first-class pilot; or,

(2) 2 years' service as wheelsman or quartermaster while holding a first-class pilot's license; or,

(3) 2 years' service in charge of a steam or motor vessel of 150 gross tons or under while acting under the authority of a pilot's license.

§ 10.05-21 *Master or pilot of steam yachts.* The minimum service required to qualify an applicant for license as master or pilot of steam yachts on either the Great Lakes, other lakes, bays, and sounds, or rivers is 3 years' service in the deck department on board Great Lakes, other lakes, bays, and sounds, or river steam, motor, or sailing yachts.

§ 10.05-23 *Master of passenger barges.* The minimum service required to qualify an applicant for license as master of barges carrying passengers on either the Great Lakes, other lakes, bays, and sounds, or rivers is 3 years' service in the deck department of such vessels.

§ 10.05-25 *Chief mate of ocean steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as chief mate of ocean steam or motor vessels is:

(1) 1 year's service as second mate of ocean steam or motor vessels of 1,000 gross tons or over; or,

(2) 1 year's service as second mate of coastwise steam or motor vessels of 2,000 gross tons or over; or,

(3) 2 years' service as officer in charge of a deck watch on ocean steam or motor vessels of 1,000 gross tons or over while holding a license as second mate of such vessels; or,

(4) 2 years' service as officer in charge of a deck watch on coastwise steam or motor vessels of 2,000 gross tons or over while holding a license as second mate of such vessels; or,

(5) 2 years' service as master of Great Lakes or other lakes, bay, or sound steam or motor vessels of 1,000 gross tons or over except ferry vessels, together with 1 year's service as officer in charge of a deck watch on ocean steam or motor vessels of 1,000 gross tons or over, or together with 1 year of such service on coastwise steam or motor vessels of 2,000 gross tons or over; or,

(6) 5 years' service in the deck department of ocean or coastwise sail vessels of 200 gross tons or over, 2 years of such service shall have been as master of such vessels, for license as chief mate of ocean freight or towing vessels of not more than 3,000 gross tons; or,

(7) 1 year's service as master of any class of ocean steam or motor vessels of more than 250 gross tons for license as chief mate of ocean freight or towing vessels of not more than 1,500 gross tons.

§ 10.05-27 *Chief mate of coastwise steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as chief mate of coastwise steam or motor vessels is:

(1) 1 year's service as second mate of ocean or coastwise steam or motor vessels of 1,000 gross tons or over; or,

(2) 2 years' service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels of 1,000 gross tons or over while holding license as second mate of ocean or coastwise steam or motor vessels; or,

(3) 1 year's service as master or first-class pilot of Great Lakes or other lakes, bay, or sound steam or motor vessels of 500 gross tons or over, except ferry vessels, together with 1 year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding license as such master or first-class pilot; or,

(4) 2 years' service as master of first-class pilot of Great Lakes or other lakes, bay, or sound towing vessels for license as chief mate of coastwise-towing vessels of 750 gross tons or under; or,

(5) 1 year's service as a licensed master or 2 years' service as a licensed mate on ocean or coastwise steam or motor vessels of 250 gross tons or over engaged in the ocean or coastwise fisheries, for license as chief mate of coastwise freight or towing vessels of 1,000 gross tons or under; or,

(6) 5 years' service in the deck department of any ocean or coastwise sail vessel of 100 gross tons or over, 2 years of such service shall have been as master of such vessels, for license as chief mate of freight or towing vessels of 1,000 gross tons or under; or,

(7) 2 years' service as first-class pilot, or 2 years' combined service as master and first-class pilot of steam or motor vessels of 1,000 gross tons or over, except ferry vessels, on the Great Lakes and other lakes, bays, and sounds, for license as chief mate of coastwise vessels on routes not exceeding 300 miles; or,

(8) 3 years' service in the deck department of ocean or coastwise steam or motor vessels for license as chief mate of coastwise steam or motor vessels of not more than 500 gross tons.

§ 10.05-29 *Second mate of ocean steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as second mate of ocean steam or motor vessels is listed in this paragraph. In order to be eligible for an unlimited ocean license, an applicant must have obtained his service on ocean or coastwise vessels of 1,000 gross tons or over.

(1) 1 year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels while holding a license as third mate; or,

(2) 6 months' service as second mate of coastwise steam or motor vessel; or,

(3) 5 years' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, 2 years of which shall have been as boatswain or quartermaster while holding a certificate as able seaman; or,

(4) 1 year's service as first-class pilot of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean steam or motor vessels of 1,000 gross tons or over, while holding a license as such first-class pilot; or,

(5) 2 years' service as assistant (junior officer of the watch) to the officer in charge of the watch on ocean steam or motor vessels, while holding a license as third mate of such vessels; or,

(6) 4 years' service in the deck department of ocean or coastwise sail vessels of 200 gross tons or over, 1 year of such service shall have been as second mate of such sail vessels.

§ 10.05-31 *Second mate of coastwise steam or motor vessels.* (a) The minimum service required to qualify an applicant for license as second mate of coastwise steam or motor vessels is:

(1) 1 year's service as officer in charge of a deck watch on ocean or coastwise steam or motor vessels while holding a license as third mate; or,

(2) 5 years' service in the deck department of ocean or coastwise steam or motor vessels, 2 years of which shall have been as boatswain or quartermaster; or,

(3) 1 year's service as first-class pilot of steam or motor vessels of 2,500 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding a license as such first-class pilot; or,

(4) 2 years' service as assistant (junior officer of the watch) to the officer in charge of the watch on ocean steam or motor vessels, while holding a license as third mate of such vessel; or,

(5) 1 year's service as a licensed mate on ocean or coastwise steam or motor vessels of 150 gross tons or over engaged in the fisheries, for license as second mate of towing vessels.

§ 10.05-33 *Third mate of ocean steam or motor vessels.* (a) The minimum service or training required to qualify an applicant for license as third mate of ocean steam or motor vessels is listed in this paragraph. In order to be eligible for an unlimited ocean license, an applicant must have obtained his service on ocean or coastwise vessels of 1,000 gross tons or over.

(1) 3 years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman, boatswain, or quartermaster while holding a certificate as able seaman; or,

(2) 6 months' service as third mate of coastwise steam or motor vessels; or,

(3) Graduation from:

(i) The U. S. Merchant Marine Academy (deck);

(ii) The deck class of a state nautical schoolship established under the authority of an Act of Congress approved 4 March, 1911;

(iii) The U. S. Naval Academy; or,

(iv) The U. S. Coast Guard Academy; or,

(4) Satisfactory completion of the prescribed course (deck) at a U. S. Maritime Service or other Government operated training school, approved by the Commandant, may be accepted as the equivalent of sea service up to a maximum of 4 months, provided the applicant has obtained the additional qualifying experience prior to enrollment; or,

(5) 1 year's service as second-class pilot of steam or motor vessels of 4,000 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean steam or motor vessels of 1,000 gross tons or over, while holding a license as such second-class pilot; or,

(6) 3 years' service in the deck department of steam or motor vessels on the Great Lakes, other lakes, bays, or sounds, or rivers, together with 1 year's service in the deck department of ocean steam or motor vessels, 6 months of which shall have been as able seaman, boatswain, or quartermaster while holding a certificate as able seaman; or,

(7) 3 years' service in the deck department of steam or motor vessels of 100 gross tons or over engaged in the ocean or coastwise fisheries, together with 6 months' service as able seaman, boatswain, or quartermaster on ocean steam or motor vessels, while holding a certificate as able seaman.

§ 10.05-35 *Third mate of coastwise steam or motor vessels.* (a) The minimum service or training required to qualify an applicant for license as third mate of coastwise steam or motor vessels is:

(1) 3 years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or,

(2) 1 year's service as second-class pilot of steam or motor vessels of 2,500 gross tons or over, except ferry vessels, on the Great Lakes or other lakes, bays, or sounds, together with 6 months' service in the deck department of ocean or coastwise steam or motor vessels of 1,000 gross tons or over, while holding a license as such second-class pilot; or,

(3) 2 years' service in the deck department of steam or motor vessels on the Great Lakes or other lakes, bays, or sounds, together with 2 years' service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or,

(4) 2 years' service in the deck department of steam or motor vessels of 100 gross tons or over engaged in the ocean or coastwise fisheries, or any sail vessel of 100 gross tons or over, together with 1 year's service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman; or,

(5) 3 years' service in the deck department of ocean or coastwise steam, motor, or sail vessels of less than 100 gross tons, together with 1 year's service in the deck department of ocean or coastwise steam or motor vessels, 6 months of which shall have been as able seaman.

§ 10.05-37 *Mate of inland or river steam or motor vessels.* The minimum

service required to qualify an applicant for license as mate of Great Lakes, other lakes, bays, or sounds, or river steam or motor vessels is at least 2 years' service in the deck department of steam, motor, or sail vessels, or barge consort, 6 months of which service shall have been on steam or motor vessels.

§ 10.05-39 *Pilot.* (a) The minimum service required to qualify an applicant for license as pilot of any class, except for special license as pilot of steam vessels of 10 gross tons and under, is:

(1) 1 year's service as quartermaster or wheelsman while holding a second-class pilot's license shall entitle the holder of such license to a license as first-class pilot if he can qualify in all other respects; or,

(2) 3 years' service in the deck department of any vessel; and,

(i) 25 percent of such service shall have been obtained within the 3 years immediately preceding the date of application; and,

(ii) The required service shall include a minimum number of round trips over the particular waters for which the applicant seeks license as pilot as may be fixed by the Officer in Charge, Marine Inspection, having jurisdiction (Experience on motorboats, as defined by statutes, may be accepted by the Officer in Charge, Marine Inspection), and,

(iii) One of the required number of round trips shall have been made within the 6 months immediately preceding the date of application; or,

(3) 2 years' service in the deck department of vessels propelled by machinery, which vessels navigate canals and small lakes like Seneca and Cayuga Lakes in New York State, 1 year of which service shall have been within 2 years immediately preceding the date of application, for a license as pilot of steam vessels of limited tonnage and routes.

(b) Locally employed special pilots may be licensed as pilots of steam vessels of 10 gross tons and under.

§ 10.05-41 *Indorsement of master's or mate's license as pilot or extension of pilot's route.* A master or mate applying for indorsement of his license for authority to act as pilot, or a pilot desiring an extension of route, shall produce proof of experience acquired by a minimum number of round trips over the particular waters for which he seeks such indorsement or extension as may be required by the Officer in Charge, Marine Inspection, having jurisdiction. One of the required number of round trips shall have been made within the 6 months immediately preceding the date of application.

§ 10.05-43 *Examination for license as pilot.* (a) An applicant for license as

pilot, or indorsement of master's or mate's license as pilot, or extension of pilot's route shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Pilot rules for the waters desired.

(2) Local knowledge of winds, weather, tides, currents, etc.

(3) Chart sketch of the route and waters applied for showing courses, distances, shoals, aids to navigation, depths of water, and all other important features.

(4) Steering, handling, and maneuvering of steam and motor vessels.

(5) Such other written or oral examination which the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05-45 *Examination for license as deck officer of ocean or coastwise steam or motor vessels.* (a) An applicant for license as deck officer of either ocean or coastwise steam vessels, ocean or coastwise motor vessels of 300 gross tons or over, master of sail vessels of over 700 gross tons, or master of steam or motor yachts, shall pass a satisfactory examination as to his knowledge of the subjects listed in paragraph (b) of this section. Examinations for licenses not incorporated in table 10.05-45 (b) will be of suitable length and scope to determine the applicant's proficiency.

(b) List of subjects required:

TABLE 10.05-45 (b)—SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS

Subjects	Master					Chief mate			Second mate			Third mate	
	Ocean	Coastwise	Coastwise, limited 300 miles	Sail	Yachts	Ocean	Coastwise	Coastwise, limited 600 miles	Ocean	Coastwise	Coastwise, limited 600 miles	Ocean	Coastwise
1. Latitude by Polaris.....	X	X		X		X							
2. Latitude by meridian altitude.....			Sun or star.	Sun.	Any body.		Sun or star.		Sun or star.	Sun.		Sun.	Sun.
3. Latitude by ex-meridian.....	Any body.	Sun or star.				Sun or star.							
4. Fix or running fix.....	Any bodies.	Any bodies. ¹				Any bodies.							
5. Longitude by position line or time sight.....		Sun or star.	Sun or star.	Sun or star.	Any body.		Sun or star.		Sun or star.	Sun.		Sun.	
6. Star identification.....	X					X							
7. Deviation of the compass by amplitude.....				X					X				
8. Deviation of the compass by azimuth.....	Any body.	Sun or star.	Sun or star.	X		Sun or star.	Sun or star.		Sun or star.	Sun.		Sun.	Sun.
9. Position finding by dead reckoning—traverse or Mercator sailing.....	X	X											
10. Position finding by dead reckoning—great circle, Mercator, traverse, or middle latitude sailing.....						X							
11. Great circle sailing.....	X												
12. Traverse sailing.....			X	X	X		X		X	X		X	
13. Mercator sailing.....			X	X	X		X		X	X		X	
14. Middle latitude sailing.....			X	X	X		X		X	X		X	
15. Distance off a fixed object and bearings.....	X	X	X	X	X	X	X	X	X	X	X	X	X
16. Speed by revolutions.....		X				X							
17. Practical chart work.....	X	X	X	X	X	X	X	X	X	X	X	X	X
18. Fuel conservation.....	X	X	X	X	X	X	X	X	X	X	X	X	X
19. Instruments and accessories.....	X	X	X	X	X	X	X	X	X	X	X	X	X
20. Magnetism, deviation, and compass compensation.....	X	X	X	X	X	X	X	X	X	X	X	X	X
21. Construction of a deviation table.....	X	X											
22. Chart navigation.....	X	X	X	X	X	X	X	X	X	X	X	X	X
23. Chart construction.....	X	X	X	X	X	X	X	X	X	X	X	X	X
24. Aids to navigation.....	X	X	X	X	X	X	X	X	X	X	X	X	X
25. Tides and currents, including use of tables.....	X	X	X	X	X	X	X	X	X	X	X	X	X
26. Ocean winds, weather, and currents.....	X	X		X	X	X							
27. Nautical astronomy.....	X	X	X	X	X	X	X	X	X	X	X	X	X
28. International and inland rules of the road.....	X	X	X	X	X	X	X	X	X	X	X	X	X
29. International rules of the road.....	X	X	X	X	X	X	X	X	X	X	X	X	X
30. Signaling by international code flags, Morse, and semaphore; life-saving, distress, storm and special signals.....	X	X	X	X	X	X	X	X	X	X	X	X	X
31. Stability and hull construction.....	X	X	X	X	X	X	X	X	X	X	X	X	X
32. Seamanship.....	X	X	X	X	X	X	X	X	X	X	X	X	X
33. Temporary repairs to hull and equipment.....	X	X	X	X	X	X	X	X	X	X	X	X	X

See footnotes at end of table.

TABLE 10.05-45 (b)—SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS—Continued

Subjects	Master					Chief mate			Second mate			Third mate	
	Ocean	Coastwise	Coastwise, limited 200 miles	Sail	Yachts	Ocean	Coastwise	Coastwise, limited 200 miles	Ocean	Coastwise	Coastwise, limited 200 miles	Ocean	Coastwise
34. Sea terms and navigation definitions.		X	X	X		X	X	X	X	X	X	X	X
35. Stowage and cargo handling.		X	X	X		X	X	X	X	X	X	X	X
36. Change in draft due to change in density.		X	X	X		X	X	X	X	X	X	X	X
37. Determination of area and volume.		X	X	X		X	X	X	X	X	X	X	X
38. Lifesaving apparatus.		X	X	X		X	X	X	X	X	X	X	X
39. Use of the breeches buoy in lifesaving.		X	X	X		X	X	X	X	X	X	X	X
40. Ship sanitation.	X	X	X	X		X	X	X	X	X	X	X	X
41. General rules and regulations for vessel inspection.	X	X	X	X		X	X	X	X	X	X	X	X
42. United States navigation laws.	X	X	X	X		X	X	X	X	X	X	X	X
43. Such further examination of a non-mathematical character as the officer in charge, marine inspection, may consider necessary to establish the applicant's proficiency.	X	X	X	X	X	X	X	X	X	X	X	X	X

¹ Not to be given applicants for license as master of towing vessels.

² Candidates may use any navigational methods they wish in the solution of problems, provided they are correct in principle. Because of the many different methods of computing a position line it is necessary, in order to obtain uniformity in examinations, to require as an answer either the triangle based on the D. R. latitude as solved by time sight or the longitude of the computed point as obtained by any position line method, either with plotting or traverse tables. Computed point is the point at which a perpendicular from the D. R. position (for the instant of the sight) intersects the line of position.

(c) (1) Each applicant for an ocean or coastwise deck license, whether original or raise of grade, shall be required to pass practical tests in signalling. The examination in signalling will consist of an examination in the international flag code, Morse flashing, and semaphore. Candidates will be examined in Morse flashing and semaphore in groups where practicable.

(2) Candidates shall be able to read a signal at sight, so far as to name the flags composing the hoist; know the use of the code pennant, numeral and substitute pennants, the meaning of all the single letter signals and the flags used to indicate the quarantine signals; be required to signal some word or words not included in the vocabulary of the code; and have a good knowledge of the distress signals. Candidates will be required to attain a speed of six words a minute in Morse flashing and eight words a minute in semaphore. The average length of a word is to be five letters. Candidates who wish to prove their higher proficiency may request to be tested at a minimum speed of ten words a minute in Morse flashing and twelve words a minute in semaphore. Such candidates, if successful will have the results of their examination reported on their official files.

(3) A candidate for license who fails in signalling, but passes in every other subject, will be considered to have failed the examination and shall be so reported; but he may at any time within the six months following his first attempt be reexamined in signalling only, and if he then passes he will be granted a license.

§ 10.05-47 *Examination for license as master of Great Lakes steam and motor vessels.* (a) An applicant for license as master of Great Lakes steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

- (1) Pilot rules.
- (2) Deviation by azimuth of the sun.
- (3) Deviation by azimuth of Polaris.
- (4) Construction of a deviation table by any method:

- (i) Azimuth of sun or Polaris.
- (ii) Equal-distant bearings of a fixed object.
- (iii) Ranges.
- (iv) Comparison with a gyro or magnetic compass whose deviation is known.
- (5) Distance off by bearings and run.
- (6) Distance off by distance-finding stations.
- (7) Distance off by visibility of lights.
- (8) Speed by revolutions and by observation.
- (9) Instruments and accessories used in navigation.
- (10) Magnetism, deviation, and compass compensation.
- (11) Chart navigation and piloting.
- (12) Aids to navigation.
- (13) Winds and weather.
- (14) Signals; storm, wreck, distress, and special.
- (15) Stability and ship construction.
- (16) Cargo stowage and handling.
- (17) Seamanship.
- (18) Temporary repairs to hull and equipment.
- (19) Drills and lifesaving apparatus.
- (20) Ship sanitation; Rules and Regulations for Vessel Inspection, and Navigation Laws of the U. S.
- (21) Ship's business.
- (22) General.
- (23) Practical chart work.
- (24) Such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05-49 *Examination for license as master of bays, sounds, and lakes other than the Great Lakes steam and motor vessels.* (a) An applicant for license as master of bays, sounds, and lakes other than the Great Lakes steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

- (1) Inland Rules of the Road or Pilot Rules applicable to the waters desired.
- (2) Distance off by bearings and run.
- (3) Speed by revolutions and by observation of landmarks.
- (4) Chart navigation and piloting.

- (5) Aids to navigation.
- (6) Winds, weather, and current.
- (7) Signals; storm, wreck, distress, and special.
- (8) Stability and ship construction.
- (9) Cargo stowage and handling.
- (10) Seamanship.
- (11) Temporary repairs to hull and equipment.
- (12) Drills and lifesaving apparatus.
- (13) Ship sanitation; Rules and Regulations for Vessel Inspection, and Navigation Laws of the U. S.
- (14) Ship's business.
- (15) General.
- (16) Practical chart work.
- (17) Such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05-51 *Examination for license as master of river steam or motor vessels.* (a) An applicant for license as master of river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

- (1) Duties of masters of river steamers.
- (2) Ability to handle the wheel in case of emergency or disaster.
- (3) Master's duties and proper method of procedure in case of fire on his vessel.
- (4) Proper management of a vessel and crew in case of collision and sinking.
- (5) Executive ability generally to manage officers and crew.
- (6) General knowledge and ability to navigate steamers with safety to life and property.
- (7) Pilot rules governing the navigation of such steamers.
- (8) Signals between the pilot house and engine room.
- (9) Running, anchor, and signal lights and their proper position on all vessels.
- (10) Duties of master in case of fog or stormy weather.
- (11) Such other subjects in connection with the navigation of river vessels as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

tion, may consider necessary to establish the applicant's proficiency.

§ 10.05-53 *Examination for license as master of ferry steam or motor vessels.* An applicant for license as master of ferry steam or motor vessels on either the Great Lakes, other lakes, bays, and sounds, or rivers shall be required to pass satisfactorily an examination of such length and scope as will satisfy the Officer in Charge, Marine Inspection, that the applicant is capable of handling and navigating such vessels.

§ 10.05-55 *Examination for license as master or pilot of yachts on the Great Lakes, other lakes, bays, and sounds, or rivers.* An applicant for license as master or pilot of yachts on either the Great Lakes, other lakes, bays, and sounds, or rivers, shall be required to pass a satisfactory examination as to his knowledge in handling such vessels, and his familiarity with the lights, lighthouses, channels, buoys, obstructions, courses, and distances between certain points in the waters for which he makes application for license. He shall also be examined regarding his knowledge of the pilot rules for such waters, the running and anchor lights, fog signals, the use of the lead, signal bells between engine room and pilot house, the General Rules and Regulations for Vessel Inspection, and such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05-57 *Examination for license as master of passenger barges on the Great Lakes, other lakes, bays, and sounds, or rivers.* An applicant for license as master of passenger barges on the Great Lakes, other lakes, bays, and sounds, or rivers shall be required to pass satisfactorily an examination of such length and scope as will satisfy the Officer in Charge, Marine Inspection, that the applicant is capable of handling the class of vessel for which he desires a license.

§ 10.05-59 *Examination for license as mate of inland or river steam or motor vessels.* An applicant for license as mate of inland or river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge, experience, and skill in stowage and cargo handling, the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency his general familiarity with his duties in maintaining discipline and protecting the passengers, and such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

§ 10.05-61 *Evaluation of experience not listed.* When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge,

Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

SUBPART 10.10—PROFESSIONAL REQUIREMENTS FOR ENGINEER OFFICERS' LICENSES (INSPECTED VESSELS)

§ 10.10-1 *No restriction as to waters on engineer licenses.* (a) Except as otherwise specified in this part no engineer's license issued on or after the effective date of the regulations in this part shall be restricted as to the waters upon which the engineer may serve, except that such restrictions on any license, when presented for renewal, shall not be changed without the licensee's consent.

(b) The holder of an engineer's license which is restricted as to waters may serve in the capacity and within the limitations in the license upon other waters without special indorsement as follows:

(1) "Ocean." This includes coastwise waters; Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(2) "Coastwise." This includes the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(3) "Great Lakes." This includes bays, sounds, and lakes other than the Great Lakes, and rivers.

(4) "Bays, sounds, and lakes other than the Great Lakes." This includes rivers.

(5) "Inland waters." This includes the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers.

(6) "Rivers." This does not include any other type of waters.

§ 10.10-3 *Grade and type of engineer licenses issued, and limitations placed thereon.* (a) Licenses in the grades of chief engineer, first assistant engineer, second assistant engineer, and third assistant engineer authorizing service on steam vessels or on motor vessels or on steam and motor vessels, shall be issued to applicant who qualify therefor.

(b) Engineer's licenses of all grades and types may be subject to such horsepower limitation as the Officer in Charge, Marine Inspection, shall deem appropriate. The horsepower limitations to be placed on a license shall be based on the applicant's qualifying experience; however, in no case shall an applicant's license be limited to a lower horsepower than the highest horsepower on which 25% or more of his experience was obtained. No horsepower limitation shall be placed on a license where all of the applicant's qualifying experience has been on merchant vessels of 2,500 horsepower and over.

§ 10.10-5 *Removal of restriction as to waters upon renewal of engineer's licenses.* Upon the renewal of any engineer's steam license which has been restricted as to waters, the holder shall be allowed the choice of accepting a limitation as to horsepower in lieu of the restriction as to waters. The horsepower limitation shall be determined by the Officer in Charge, Marine Inspection, in accordance with the applicant's experience. The licensee shall be required to

agree in writing to such conditions of renewal before the issuance of the license requested.

§ 10.10-7 *Conversion of licenses from gross tonnage to horsepower limitations upon renewal.* (a) Steam or motor engineer's licenses issued for any gross tons on specified waters shall be converted to any horsepower for the same waters, when renewed by an Officer in Charge, Marine Inspection.

(b) Upon renewal of any engineer's license which is limited as to gross tonnage the tonnage shall be converted to horsepower on the new license in the ratio of 3 to 4 (i. e., 750 gross tons to 1,000 horsepower) except in those cases where an applicant has obtained experience on vessels of greater horsepower than the above ratio would entitle him. In such cases a license of greater horsepower commensurate with the experience obtained may be issued.

§ 10.10-9 *Chief engineer; steam vessels.* (a) The minimum service required to qualify an applicant for license as chief engineer of steam vessels is:

(1) 1 year's service as first assistant engineer of steam vessels; or,

(2) 2 years' service as second assistant or junior first assistant engineer in charge of a watch on steam vessels while holding a license as first assistant engineer of steam vessels; or,

(3) While holding a license as chief engineer of motor vessels, either:

(i) 6 months' service as first assistant engineer of steam vessels;

(ii) 6 months' service as observer chief engineer on steam vessels; or,

(iii) 1 year's service as oiler, water-tender, or junior engineer of steam vessels.

§ 10.10-11 *Chief engineer; motor vessels.* (a) The minimum service required to qualify an applicant for license as chief engineer of motor vessels is:

(1) 1 year's service as first assistant engineer of motor vessels; or,

(2) 2 years' service as second assistant or junior first assistant engineer in charge of a watch on motor vessels while holding a license as first assistant engineer of motor vessels; or,

(3) While holding a license as chief engineer of steam vessels, either:

(i) 3 months' service as first assistant engineer of motor vessels;

(ii) 3 months' service as observer chief engineer on motor vessels; or,

(iii) 6 months' service as oiler or junior engineer of motor vessels.

§ 10.10-13 *First assistant engineer; steam vessels.* (a) The minimum service required to qualify an applicant for license as first assistant engineer of steam vessels is:

(1) 1 year's service as second assistant engineer of steam vessels; or,

(2) 2 years' service as third assistant or junior second assistant engineer in charge of a watch on steam vessels, while holding a license as second assistant engineer of steam vessels; or,

(3) While holding a license as first assistant engineer of motor vessels, either:

(i) 6 months' service as second assistant engineer of steam vessels;

(ii) 6 months' service as observer first assistant engineer on steam vessels; or,

(iii) 1 year's service as oiler, watertender, or junior engineer of steam vessels; or,

(4) 3 years' service as oiler, watertender or fireman on steam vessels for a license as first assistant of steam vessels of not more than 1,000 horsepower.

§ 10.10-15 *First assistant engineer—motor vessels.* (a) The minimum service required to qualify an applicant for license as first assistant engineer of motor vessels is:

(1) 1 year's service as second assistant engineer of motor vessels; or,

(2) 2 years' service as third assistant engineer or junior second assistant engineer in charge of a watch on motor vessels, while holding a license as second assistant engineer of motor vessels; or,

(3) While holding a license as first assistant engineer of steam vessels, either:

(i) 3 months' service as second assistant engineer of motor vessels;

(ii) 3 months' service as observer first assistant engineer on motor vessels; or,

(iii) 6 months' service as oiler or junior engineer of motor vessels; or,

(4) 3 years' service as oiler or fireman on motor vessels for a license as first assistant engineer of motor vessels of not more than 1,000 horsepower.

§ 10.10-17 *Second assistant engineer—steam vessels.* (a) The minimum service required to qualify an applicant for license as second assistant engineer of steam vessels is:

(1) 1 year's service as engineer in charge of a watch, while holding a license as third assistant engineer of steam vessels; or,

(2) 2 years' service as assistant engineer to the engineer in charge of a watch, while holding a license as third assistant engineer of steam vessels; or,

(3) While holding a license as second assistant engineer of motor vessels, either:

(i) 6 months' service as third assistant engineer of steam vessels;

(ii) 6 months' service as observer second assistant engineer on steam vessels; or,

(iii) 1 year's service as oiler, watertender, or junior engineer of steam vessels.

§ 10.10-19 *Second assistant engineer—motor vessels.* (a) The minimum service required to qualify an applicant for license as second assistant engineer of motor vessels is:

(1) 1 Year's service as engineer in charge of a watch, while holding a license as third assistant engineer of motor vessels; or,

(2) 2 years' service as assistant engineer to the engineer in charge of a watch, while holding a license as third assistant engineer of motor vessels; or,

(3) While holding a license as second assistant engineer of steam vessels, either:

(i) 3 months' service as third assistant engineer of motor vessels;

(ii) 3 months' service as observer second assistant engineer on motor vessels; or,

(iii) 6 months' service as oiler or junior engineer of motor vessels.

§ 10.10-21 *Third assistant engineer—steam vessels.* (a) The minimum service required to qualify an applicant for license as third assistant engineer of steam vessels is:

(1) 3 years' service in the engine department of steam vessels, 2 years and 6 months of which must have been as fireman, oiler, watertender, or other qualified member of the engine department, and one-third of the required service may have been on motor vessel; or,

(2) 3 years' service as an apprentice to the machinist trade engaged in the construction or repair of marine, locomotive, or stationary engines together with 1 year's service in the engine department of steam vessels as oiler, watertender, or junior engineer, one-third of such service may have been on motor vessels; or,

(3) Graduation from:

(i) The U. S. Merchant Marine Academy (engineering)

(ii) The engineering class of a state nautical schoolship established under the authority of an Act of Congress approved March 4, 1911 (34 U. S. C. 1121)

(iii) The U. S. Naval Academy; or,

(iv) The U. S. Coast Guard Academy; or,

(4) Satisfactory completion of the prescribed course (engineering) at a U. S. Maritime Service or other Government operated training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of four months, provided the applicant has obtained the additional qualifying experience prior to enrollment; or,

(5) Graduation from the marine engineering course of a duly recognized school of technology together with 3 months' service in the engine department of steam vessels, one-third of such service may have been on motor vessels; or,

(6) Graduation from the mechanical or electrical engineering course of a duly recognized school of technology together with 6 months' service in the engine department of steam vessels, one-third of such service may have been on motor vessels; or,

(7) 1 year's service as oiler, watertender, or junior engineer on steam vessels while holding a license as third assistant engineer of motor vessels.

§ 10.10-23 *Third assistant engineer—motor vessels.* (a) The minimum service required to qualify an applicant for license as third assistant engineer of motor vessels is:

(1) 3 years' service in the engine department of motor vessels, 2 years and 6 months of which must have been as fireman, oiler, watertender, or other qualified member of the engine department, and one-third of the required service may have been on steam vessels; or,

(2) 3 years' service as an apprentice to the machinist trade engaged in the construction or repair of marine, locomotive, or stationary engines together with 1 year's service in the engine department of motor vessels as oiler or junior engineer, one-third of such service may have been on steam vessels; or,

(3) Graduation from:

(i) The U. S. Merchant Marine Academy (engineering)

(ii) The engineering class of a state nautical schoolship established under the authority of an Act of Congress approved March 4, 1911 (34 U. S. C. 1121)

(iii) The U. S. Naval Academy; or,

(iv) The U. S. Coast Guard Academy; or,

(4) Satisfactory completion of the prescribed course (engineering) at a U. S. Maritime Service or other Government operated training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of 4 months, provided the applicant has obtained the additional qualifying experience prior to enrollment; or,

(5) Graduation from the marine engineering course of a duly recognized school of technology together with 3 months' service in the engine department of motor vessels, one-third of such service may have been on steam vessels; or,

(6) Graduation from the mechanical or electrical engineering course of a duly recognized school of technology together with 6 months' service in the engine department of motor vessels, one-third of such service may have been on steam vessels; or,

(7) 6 months' service as oiler or junior engineer on motor vessels while holding a license as third assistant engineer of steam vessels.

§ 10.10-25 *Engineers of motor vessels operating in Puerto Rican and Hawaiian waters.* (a) An applicant for an engineer's license of seagoing vessels propelled by internal combustion engines navigating exclusively in the Coast Guard District covering the Hawaiian Islands, or in the Coast Guard District covering the island of Puerto Rico, shall submit with his application statements duly executed and certified by reputable citizens qualified to judge the character and ability of the applicant. The Officer in Charge, Marine Inspection, shall make a diligent inquiry as to the applicant's character and merits and, if satisfied by the oral examination or practical demonstration, and the proof of requisite knowledge and skill offered, the Officer in Charge, Marine Inspection, shall issue the license. No certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid shall be required of such applicant.

(b) An applicant for an engineer's license of motor vessels operating exclusively in Puerto Rican waters or exclusively in Hawaiian waters shall present evidence of a minimum of 3 years' service on such vessels.

§ 10.10-27 *Service as engine room watch electrician.* An applicant for a raise of grade of engineer's license for steam or motor vessels may substitute service as engine room watch electrician on electric drive steam or motor vessels for other service required. The service shall be accepted on the basis of 2 months as electrician to count as 1 month of the required service for raise of grade of license desired. Service as

electrician shall not be substituted for more than one-half the service required on a license. This service as engine room watch electrician must have been acquired while the applicant was holding the license which is to be raised in grade.

§ 10.10-29 *Evaluation of experience not listed.* When an applicant presents evidence of service or experience which does not meet the specific requirements of the regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

SUBPART 10.15—LICENSING OF OFFICERS FOR UNINSPECTED VESSELS

§ 10.15-1 *Applicability of laws.* All the provisions of R. S. 4131, 4250, 4403, 4405, 4438, 4439, 4440, 4441, 4445, 4446, 4447, 4448, 4449, 4450, 4463, as amended, sec. 2, 23 Stat. 118, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, sec. 3, 40 Stat. 549, and sec. 5, 49 Stat. 1935; 46 U. S. C. 221, 222, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 237, 239, 250, 372, 375, 672a; referring to the issuance, duration, renewal, suspension or revocation of licenses of masters, mates, chief engineers and assistant engineers, and the provisions of the following regulations in this subpart shall be applicable to all uninspected vessels to which the Officers' Competency Certificates Convention, 1936, and the Act approved July 17, 1939 (R. S. 4438a; 53 Stat. 1049; 46 U. S. C. 224a) making effective the provisions of the Convention apply.

§ 10.15-3 *Vessels to which regulations apply.* (a) The regulations in this subpart shall apply to masters, chief engineers and watch officers, deck and engineer, on all uninspected vessels, however propelled, navigating the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States whether permanently, temporarily or provisionally, including yachts, enrolled and licensed, with the exception of:

- (1) Ships of war;
- (2) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;
- (3) Wooden ships of primitive build, such as dhows and junks;
- (4) Unrigged vessels;
- (5) All vessels of less than 200 gross tons.

§ 10.15-5 *Licenses issued and general provisions.* (a) Licenses to officers on uninspected vessels will be issued as follows:

- (1) License as master, motor or sail;
- (2) License as mate, motor or sail;
- (3) License as chief engineer, motor; or,
- (4) License as assistant engineer, motor.

(b) Licenses to officers of uninspected vessels shall be limited on their face to uninspected vessels, and shall be issued on the Coast Guard Form 2849.

(c) Licenses as master and mate shall be issued for appropriate route (ocean

or coastwise) and with tonnage limitations commensurate with the experience of the applicant.

(d) (1) Licenses to chief engineer and assistant engineer shall be issued with appropriate horsepower limitations commensurate with the experience of the applicant.

(2) The regulations in § 10.10-15 shall govern the conversion of engineers' licenses from gross tonnage to horsepower limitations upon renewal.

(e) Every person to whom a license is issued shall place his signature and left thumbprint thereon, and upon any sheets attached for additional indorsements.

(f) Every master, mate, or engineer who receives a license shall make oath before an Officer in Charge, Marine Inspection, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

§ 10.15-7 *Related authority of licenses for inspected vessels.* A license to act as master, mate, or engineer of inspected vessels will in all cases entitle the holder to act under the limitations of his license on uninspected vessels.

§ 10.15-9 *Sea service as member of the armed forces of the United States as qualifying.* Sea service as a member of the armed forces of the United States will be accepted as qualifying experience for an original or raise in grade of license. Such service will be subject to evaluation to the sea service otherwise required, and to determine the appropriate grade, class, and limit of license for which the applicant is eligible. The applicant may be permitted to omit the examination for the lower grade of license if his experience is of such character as to qualify him for the higher grade of license.

§ 10.15-11 *Lifting of limitations.* Section 10.02-15 shall govern the lifting of limitations on licenses to officers of uninspected vessels.

§ 10.15-13 *Citizenship and age requirements.* (a) No license shall be issued to any person who is not a United States citizen. An applicant claiming to be a citizen of the United States shall furnish documentary evidence of his citizenship. Acceptable evidence of citizenship is described in § 10.02-5.

(b) Any citizen who has attained the age of 21 years and is qualified in all other respects shall be eligible for a license: *Provided*, That a license as mate or assistant engineer may be granted to applicants who have reached the age of 19 years and are qualified in all other respects, but no such license may be raised in grade before the holder thereof shall have reached the age of 21 years.

§ 10.15-15 *Reexaminations and refusal of licenses.* Section 10.02-19 shall govern the reexaminations and refusal of licenses to officers of uninspected vessels.

§ 10.15-17 *Issuance of duplicate licenses.* Section 10.02-23 shall govern the

issuance of duplicate licenses to officers of uninspected vessels.

§ 10.15-19 *Suspension and revocation of licenses.* Licenses as master, mate, or engineer of uninspected vessels shall be subject to suspension or revocation on the same ground and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of R. S. 4450, as amended (46 U. S. C. 239)

§ 10.15-21 *Laws, general rules and regulations, and pilot rules to be furnished licensed officers.* Every master, mate, or engineer shall, when receiving an original license, a renewal license, or a raise of grade of license, be furnished by the inspectors with a copy of the Laws Governing Marine Inspection and a copy of the General Rules and Regulations for Vessel Inspection prescribed by the Commandant. Every master and mate shall in addition be furnished a copy of the Rules of the Road and pilot rules applicable to the waters for which their licenses have been issued.

§ 10.15-25 *Application and experience required for original or raise of grade of licenses.* (a) Applicants for original or raise of grade of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued such license. Until an applicant meets this mandatory requirement, he is not entitled to be licensed. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license.

(b) Before an applicant for original license (as defined by § 10.02-3) as master, mate, or engineer, or raise of grade of any license may be licensed, the applicant shall make application upon Coast Guard Form 866 and shall present it in person to an Officer in Charge, Marine Inspection. An applicant shall also present discharges and testimonial letters to the Officer in Charge, Marine Inspection, from the masters or chief engineers under whom he has served, or from the owners in the case of applicants who have already served as master or chief engineer, certifying to the name of the vessel, and the amount and character of his experience, and to his ability, character, and habits of life. Photostatic copies of those documents may be accepted for filing with the application.

(c) (1) Fingerprint records on Coast Guard Form 2515 shall be submitted to the Commandant on each application for original license at the same time application is made.

(2) The application of any person may be rejected by the Officer in Charge, Marine Inspection, when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that

an applicant is rejected he will be advised that he may submit a request to the Commandant for a review of his case. No examination shall be given or temporary permit issued in the type case pending the Commandant's authorization.

(3) Nothing in the regulations in this part shall be construed to permit an applicant to be examined for an original license or a raise in grade of license during any period when a suspension without probation or a revocation imposed pursuant to R. S. 4450, as amended, is effective against his license or certificate.

(d) No original license or raise of grade shall be issued to any applicant unless at least 1 year of his qualifying service shall have been obtained within the 3 years next preceding his application for examination.

(e) Applicants will be informed as soon as possible whether their applications have been accepted or not, and when the application of any person for a license has been approved the applicant shall be given the required examination as soon as practicable.

(f) Licensed officers entitled to raise of grade shall have issued to them new licenses for the grade for which they are found qualified. The license which is raised in grade shall be surrendered to the Officer in Charge, Marine Inspection.

(g) Except for applicants for licenses as masters, mates, chief engineers, and assistant engineers of fishing vessels, certificates from the Public Health Service attesting to the applicant's knowledge of ship sanitation and first aid will be required before the candidates are eligible for original licenses.

§ 10.15-27 *Physical examination required for original and raise of grade of licenses.* Sections 10.02-5 and 10.02-7 governing the physical examination requirements for applicants for original and raise of grade of licenses for inspected vessels shall apply to applicants for original and raise of grade of licenses for uninspected vessels for the same types of licenses.

§ 10.15-29 *Professional requirements for original and raise of grade of licenses.*

(a) For license as master or chief engineer, a candidate must have served 4 years at sea, on deck or in the engine room, respectively, of which 1 year must have been as licensed mate or assistant engineer, respectively, except as otherwise provided in the regulations in this Subpart.

(b) For license as mate or assistant engineer, a candidate must have served 3 years at sea, on deck or in the engine room, respectively.

(c) For a license as assistant or chief engineer of motor vessels, two-thirds of the required service must have been served on motor vessels.

(d) It is not required that an applicant must have obtained his experience on United States vessels. Experience on foreign vessels will be given due credit.

(e) Experience in towed barges fitted with sails and rigging is not considered as sail vessel time.

(f) When an applicant presents evidence of service or experience which does not meet the specific requirements of the

regulations in this part, but which in the opinion of the Officer in Charge, Marine Inspection, is a reasonable equivalent thereto, the application for license with supporting data shall be submitted to the Commandant for evaluation, together with the recommendation of the Officer in Charge, Marine Inspection.

§ 10.15-31 *Examination requirements for licenses.*—(a) *General.* The examinations given by the Coast Guard will be practical, not theoretical. They will be written, where possible, and if an oral examination is necessary, it shall be taken down in writing. The examination for licenses limited to fishing vessels shall be oral only.

(b) *Master.* Candidates for license as master will, in addition to the subjects given in the examination for mate, be required to understand and give satisfactory explanations of:

- (1) Navigation, including:
 - (i) Latitude by altitude of Polaris.
 - (ii) Elementary questions on compass deviation.
 - (2) Rudimentary seamanship, including:
 - (i) Meteorology, use and reading of weather bulletins.
 - (ii) Getting under way.
 - (iii) Tending vessel at anchor; mooring and unmooring.
 - (iv) Keeping a ship's head to sea in heavy weather with engines broken down.
 - (v) How to rig a jury rudder.
 - (vi) Action to be taken in the event of springing a leak.
 - (vii) Cast of lead in heavy weather.

(c) *Mate.* Candidates for license as mate will be required to understand and give satisfactory explanations of:

- (1) Navigation, including:
 - (i) Variation, deviation of the compass, and simple methods of determining the deviation by the means of ranges, and by bearings of the sun.
 - (ii) Use of a chart and the meaning of the various signs and abbreviations thereon; method of determining and laying off compass courses and distances on a chart, and allowing for set and drift; fixing the ship's position by cross bearings of two objects; or by two bearings of the same object.
 - (iii) The traverse tables and a day's work in its simplest form.
 - (iv) Determining of latitude by meridian altitude of the sun.
 - (v) Longitude by position line or by time sight of the sun.
 - (vi) The use and adjustments of the sextant.
 - (vii) The use and reading of the aneroid barometer.
- (2) Rudimentary seamanship, including:
 - (i) The use and construction of a sea anchor.
 - (ii) The marking and use of the lead line.
 - (iii) Man reported overboard.
 - (iv) Handling of a vessel's boat in heavy weather.
 - (v) Elementary first aid.

(3) The Rules to Prevent Collisions of Vessels including both the International Rules and the Pilot Rules for Inland Waters. Particular attention will be

given to the steering and sailing rules, although inability to repeat them verbatim will not entail failure. *Provided,* That the candidate understands their full significance, content, and practical application. Models will be used to test the candidate's judgment and ability to act correctly and promptly.

(4) Distress signals and use of line throwing apparatus.

(5) Buoyage system and aids to navigation.

(6) Precautions to be taken against fire, explosions from oil or gas, and spontaneous combustion. Methods of dealing with fire and use of fire extinguishers, handling of vessels after fire is discovered.

(7) Candidates for a sailing ship license will also be asked questions on the taking in and setting of fore and aft sail, and applicable questions relating to the handling of a sail vessel.

(d) *Chief engineer.* A candidate for license as chief engineer, motor, will be required to have an advanced and more complete knowledge of the subjects and problems required for the examination for an assistant engineer.

(e) *Assistant engineer.* A candidate for license as assistant engineer, motor, will be required to understand and give satisfactory explanations of:

- (1) The various codes of signals used between the bridge and engine room for working the engine.
- (2) The fundamentals of oil, gas, or other internal combustion engines, and also the auxiliary machinery in use on board ship; and to show a practical knowledge of upkeep of, operation of, and repairs to same.
- (3) The use of the various gauges, meters, and instruments.
- (4) Treatment of a hot bearing and avoidance of same.
- (5) The use of fire extinguishing apparatus; precautions to be taken against fire or explosions from oil or gas, precautions to be taken against the formation of explosive gases in oil tanks, bilges, or other unventilated spaces, causes of spontaneous combustion; safe carriage of fuels, and storage of lubricating oils; and methods of dealing with fire.

(6) Properties of the various oils, etc., generally used in internal combustion engines.

§ 10.15-33 *Requirements for renewal of licenses.* Section 10.02-9 shall govern the renewal of licenses to officers of uninspected vessels.

SUBPART 10.20—MOTORBOAT OPERATORS LICENSES

§ 10.20-1 *General application.*—(a) The regulations in this subpart apply to all applicants for license to operate motorboats carrying passengers for hire.

(b) All licenses issued to motorboat operators under section 5 of the act of June 9, 1910 (46 U. S. C. 515) permitting the holders to operate or navigate motorboats carrying passengers for hire became null and void on April 24, 1941, by the Motorboat Act of April 25, 1940 (Sec. 18, 54 Stat. 167; 46 U. S. C. 526r)

§ 10.20-3 *General requirements.* (a) Any person who has attained the age of

RULES AND REGULATIONS

18 years and is qualified in all other respects, shall be considered eligible for a motorboat operator's license and may be examined by the Coast Guard.

(b) (1) Fingerprint records on Coast Guard Form 2515 shall be submitted to the Commandant on each applicant at the same time application is made for original license.

(2) The application of any person may be rejected by the Officer in Charge, Marine Inspection, when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he will be advised that he may submit a request to the Commandant for a review of his case.

(3) No examination shall be given or temporary permit issued in the case pending the Commandant's authorization.

(c) An applicant for a license as an operator shall submit a sworn application on Coast Guard Form 866 to the Officer in Charge, Marine Inspection. If the applicant's capacity, knowledge, experience, character and habits of life are such as to warrant entrusting him with the duties and responsibilities involved in the operation and navigation of motorboats carrying passengers for hire, a license authorizing him to discharge such duties on any such motorboats for a term of five years shall be issued to him, except that when the applicant is the holder of a currently valid license as master, pilot, or other deck officer, a motorboat operator's license may be granted without requiring a physical or professional examination if recent service under his license can be shown, and such applicant shall not be required to surrender his license as master, pilot, or other deck officer.

(d) Every person to whom a license is issued shall place his signature and left thumb print thereon.

(e) An Officer in Charge, Marine Inspection, may place restriction or limitation upon a license as motorboat operator. Such limitation shall be commensurate with the qualifications of the applicant.

§ 10.20-5 Professional examinations.

(a) The applicant shall be examined orally concerning his fitness to hold a license as motorboat operator.

(b) (1) The examination will consist of questions on the following:

(i) Regulations governing motorboats, the collision regulations applicable to the waters over which the applicant operates.

(ii) Fire protection and extinguishment.

(iii) Lifesaving equipment.

(iv) The operation of propelling machinery, and, particularly, the safe and proper handling of gasoline motors.

(v) The proper method of operating and navigating motorboats carrying passengers.

(vi) Simple first-aid.

(2) Although applicants will be examined only in the collision regulations

applicable to the waters upon which they are operating, it will be incumbent upon them, should they at any time operate on waters for which the collision regulations differ, to familiarize themselves with the appropriate rules.

(c) (1) An applicant for a motorboat operator's license shall not be disqualified by inability to read or write if he is qualified in all other respects and if he possesses extensive experience in the operation of small vessels. Inability to read or write, however, shall be held to disqualify an applicant who is not experienced in operation of motorboats and who is not experienced in the operating of firefighting and lifesaving equipment, and is not thoroughly familiar with the applicable pilot rules.

(2) If the applicant has operated motorboats under the license issued under the act of June 9, 1910, he shall be held to possess the required experience but must qualify in all other respects.

§ 10.20-7 Physical examination requirements.

(a) (1) An applicant who has not operated a motorboat carrying passengers for hire under authority of a license issued prior to April 25, 1941, shall be examined by a United States Public Health Service Medical Officer or other reputable physician to determine whether he is physically fit to perform the duties required of him and shall include the eyesight, hearing, and physical condition. Epilepsy, insanity, senility, acute venereal disease, neurosyphilis, or badly impaired hearing, eyesight, or color blindness are causes for rejection.

(2) For an original license the applicant must have, either with or without glasses, at least 20/20 vision in one eye and at least 20/40 in the other. Any applicant who wears glasses, however, must also be able to pass a test without glasses of at least 20/40 in one eye and at least 20/70 in the other. The color sense will be tested by means of the "Stillings," or similar, test, but any applicant who fails this test will be eligible if he passes the "Williams" lantern test, but if found color blind no license will be issued except in a case where the applicant shows he has operated motorboats for many years and has particular qualifications, which in the judgment of the Officer in Charge, Marine Inspection, qualifies him to operate a motorboat in daylight only and so restricts the license.

(3) For a renewal of a motorboat operator's license an examination may be required in addition to a certificate of satisfactory color sense. Nothing herein shall debar an applicant who has lost the sight of one eye while holding a license from renewing such license if he is qualified in all other respects and the vision in his one eye passes the test required for the better eye of an applicant possessed of both eyes. If an applicant for a renewal of license is pronounced color blind, the Officer in Charge, Marine Inspection, may grant him a license limited to service during daylight only.

(4) Where an applicant is not possessed of the vision, hearing and general physical condition considered necessary, the Officer in Charge, Marine Inspection, after consultation with a Public Health Service Medical Officer

may make recommendations to the Commandant for an exception to these requirements, if, in their opinion, extenuating circumstances warrant special consideration. Any request for a decision by the Commandant must be accompanied by all pertinent correspondence, records and reports.

(b) An applicant who has operated a motorboat carrying passengers for hire under authority of a license issued prior to April 25, 1941, may be issued an operator's license without further physical examination unless the Office in Charge, Marine Inspection, considers that such examination is necessary in view of apparent disabilities.

§ 10.20-9 Requirements for renewal.

(a) An operator's license may be renewed by application to an Officer in Charge, Marine Inspection. The presentation of the license to be renewed, together with satisfactory certificate of color sense, shall be considered sufficient evidence upon which to renew a license; unless facts shall have come to the knowledge of the Officer in Charge, Marine Inspection, which would render a renewal improper in the case of a particular applicant.

(b) No license shall be renewed more than 30 days in advance of the date of the expiration thereof, unless there are extraordinary circumstances that shall justify a renewal beforehand in which case the reasons therefor must appear in detail upon the records of the Officer in Charge, Marine Inspection, renewing the license.

(c) Whenever an operator shall apply for renewal of his license more than 1 year after the date of its expiration, he shall be required to pass a professional and physical examination of such length and scope as may be required by the Officer in Charge, Marine Inspection, to determine the applicant's continued qualifications.

(d) Where an applicant for renewal would be put to great inconvenience or expense to appear in person before an Officer in Charge, Marine Inspection, the license may be renewed by forwarding the documents required by the regulations in paragraph (a) of this section to the Officer in Charge, Marine Inspection, who issued the license to be renewed.

§ 10.20-11 Issuance of duplicate license. Section 10.02-23 shall govern the issuance of duplicate licenses to operators of motorboats.

§ 10.20-13 Suspension or revocation of license. Motorboat operators' licenses shall be subject to suspension or revocation on the same grounds and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of R. S. 4450, as amended (46 U. S. C. 239)

SUBPART 10.25—REGISTRATION OF STAFF OFFICERS

§ 10.25-1 Application of regulations. The regulations in this subpart shall govern the registration of staff officers for employment on every vessel registered, enrolled, or licensed under the laws of the United States which employs a staff

officer, except vessels navigating on bays, sounds, rivers, inland waterways, and lakes other than the Great Lakes, passenger ferries and car ferries navigating on the Great Lakes, fishing vessels, whaling vessels, and yachts.

§ 10.25-3 *Grades of certificates issued.* Staff officers shall be registered in the following grades:

- (a) Chief purser.
- (b) Purser.
- (c) Senior assistant purser.
- (d) Junior assistant purser.
- (e) Junior assistant purser and pharmacist's mate.
- (f) Surgeon.

§ 10.25-5 *Staff department defined.* (a) The staff department shall consist of officers registered under the provisions of the regulations in this subpart, pursers' clerks, and such persons as may be assigned to the senior registered surgeon.

(b) The staff department shall be a separate and independent department composed of a medical division and a purser's division. The medical division shall be under the charge of the senior registered surgeon who shall be responsible solely to the master or, in the absence of the master, to the officer in charge of the vessel.

§ 10.25-7 *General requirements.* (a) The applicant for a certificate of registry shall make a sworn written application on Coast Guard Form 866 in duplicate. This application shall be made to an appropriate Officer in Charge, Marine Inspection, having jurisdiction over a seaport or a Great Lakes port.

(b) The first certificate of registry issued to any person shall be considered an original certificate of registry.

(c) An applicant for certificate of registry must be a citizen of the United States and shall submit satisfactory evidence of citizenship. Acceptable evidence of citizenship is set forth in § 10.02-5.

(d) An applicant for registry and a certificate of registry as staff officer shall not be required to take an examination, but he shall be required to submit with his application satisfactory proof of his good character and of his prior service, including at least two letters of recommendation from present or former employers.

(e) (1) Fingerprint records on Coast Guard Form 2515 shall be submitted to the Commandant on each application at the same time application is made.

(2) The application of any person may be rejected by the Officer in Charge, Marine Inspection, when derogatory information has been brought to his attention which indicates that the applicant's habits of life and character are such as to warrant the belief that he cannot be entrusted with the duties and responsibilities of the station for which he made application. In the event that an applicant is rejected he will be advised that he may submit a request to the Commandant for a review of his case.

(3) No examination shall be given or temporary permit issued in the case pending the Commandant's authorization.

(f) No certificate of registry as junior assistant purser or junior assistant purser-pharmacist's mate will be issued to any applicant unless he present evidence that he has a commitment of employment as a member of the crew of a United States merchant vessel in a capacity covered by such certificate.

(g) (1) An applicant for registry and a certificate of registry as staff officer shall be in possession of a continuous discharge book or certificate of identification or merchant mariner's document issued as a certificate of identification and shall appear in person before an Officer in Charge, Marine Inspection.

(2) The applicant shall furnish two unmounted, dull finish photographs, 2 inches by 1½ inches, of passport type taken within 1 year of the application. Photographs shall show the full face, at least 1 inch in height, with the head uncovered, and shall be a satisfactory likeness of the applicant. The issuing officer shall affix a photograph to each of the applications and impress his official seal partly over the photograph, after the applicant has in his presence signed the application.

(3) The applicant shall place his fingerprints on each of the applications and his left thumb print on the back of the certificate of registry as staff officer.

(4) A staff officer shall not be required to hold any other certificate of service or efficiency as a condition of service in such capacity on vessels.

(h) An Officer in Charge, Marine Inspection, shall issue a certificate of registry as staff officer to an applicant who has qualified for such certificate and who has made oath or affirmation before him to the truth of the statements contained in the application and that he will faithfully and honestly perform all the duties of his office required of him by law.

(i) Indorsements for a higher grade shall not be made on certificates of registry. An applicant for a higher grade in the staff department shall make application in the same manner as for an original certificate of registry and shall surrender his certificate upon issuance of the new certificate of registry. A person in possession of a certificate of registry as staff officer may serve in a lower grade than that for which he is registered.

(j) Certificates of registry issued to staff officers shall be suspended or revoked in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of R. S. 4450, as amended (46 U. S. C. 239).

(k) No person whose certificate of registry is under suspension or revoked shall be issued another certificate of registry except upon approval of the Commandant. If an applicant for a certificate of registry is currently suffering the suspension or revocation of a license or certificate of service, the certificate of registry for which he applies shall not be issued except upon approval of the Commandant.

(l) Any person whose certificate of registry has been stolen, lost or destroyed shall report that fact to an Officer in Charge, Marine Inspection, as soon as possible, and if a duplicate certificate is desired, a properly executed affidavit on

Coast Guard Form 719-E, giving satisfactory evidence of such loss shall be furnished an Officer in Charge, Marine Inspection, along with the one photograph as required in the case of an application for an original certificate. The Officer in Charge, Marine Inspection, shall transmit the affidavit and photograph to Coast Guard Headquarters and the Commandant shall cause to be prepared a certificate which will be similar to the former certificate, bear the same book or identification number as the former certificate and will be marked "Duplicate."

(m) Whenever a certificate of registry is reported to an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of any certificate of registry, together with all facts incident to its recovery, and shall forward the recovered certificate to the Commandant.

(n) Staff officers who are members of the Naval Reserve Corps, shall wear on their uniforms such special distinguishing insignia as may be approved by the Secretary of the Navy.

(o) The uniform stripes, decorations, or other insignia shall be of gold braid or woven gold or silver material, and no member of the ship's crew other than such staff officers shall be allowed to wear any uniform with such staff officers' identifying insignia.

§ 10.25-9 *Experience requirements.* (a) The applicant for registry and a certificate of registry as staff officer shall submit evidence of experience as follows:

(1) *Chief purser.* 2 years' service aboard vessels performing duties relating to work in the purser's office.

(2) *Surgeon.* A valid license as physician and surgeon issued under the authority of a State or territory of the United States or the District of Columbia.

(3) *Purser.* 1 year's service aboard vessels performing duties relating to work in the purser's office.

(4) *Senior assistant purser.* 6 months' service aboard vessels performing duties relating to work in purser's office.

(5) *Junior assistant purser.* Previous experience not required.

(6) *Junior assistant purser and pharmacist's mate.* A rating of at least Pharmacist's Mate, First Class, in the U. S. Navy, U. S. Coast Guard, U. S. Maritime Service, or an equivalent rating in the U. S. Army (not less than Technical Sergeant, Medical Department, U. S. A.) and a period of service of at least 1 month in a U. S. Naval, U. S. Marine, or U. S. Army Hospital.

(b) Employment on shore in connection with ship's business may be accepted in lieu of service aboard vessels. Such shore employment shall be accepted in the ratio of 2 months' shore service to count as 1 month's service aboard vessels.

(c) In computing the length of service required of an applicant other than for junior assistant purser-pharmacist's mate, service of 1 season on vessels on the Great Lakes shall be counted as service of 1 year.

RULES AND REGULATIONS

(d) In the event an applicant presents other special qualifications which, in the opinion of the Officer in Charge, Marine Inspection, fit him for the duties of a staff officer, other than surgeon and junior assistant purser-pharmacist's mate, the Officer in Charge, Marine Inspection, shall forward full details and description of such qualifications to Coast Guard Headquarters for the decision of the Commandant prior to the registry and issuance of certificate of registry.

PART 12—CERTIFICATION OF SEAMEN

The regulations in 46 CFR, Chapter I, are amended by adding a Part 12 reading as follows (the regulations in this part will be made effective by a proper notice to be published in the FEDERAL REGISTER)

SUBPART 12.01—GENERAL

Sec. 12.01-1 Basis and purpose of regulations.

SUBPART 12.02—GENERAL REQUIREMENTS FOR CERTIFICATION

12.02-3 Where documents are issued:
12.02-5 Form in which documents are issued.
12.02-7 When documents are required.
12.02-9 Application for documents.
12.02-11 General provisions respecting merchant mariner's documents.
12.02-13 Citizenship requirements.
12.02-15 Oath requirement.
12.02-17 Rules for the preparation and issuance of documents.
12.02-19 Suspension or revocation of documents.
12.02-21 Issuance of documents after revocation.
12.02-23 Issuance of duplicate documents.

SUBPART 12.05—ABLE SEAMEN

12.05-1 Certification required.
12.05-3 General requirements.
12.05-5 Physical requirements.
12.05-7 Service or training requirements.
12.05-9 Examination and demonstration of ability.
12.05-11 General provisions respecting merchant mariner's documents endorsed as able seaman.
12.05-13 Certification of able seamen under wartime regulations.

SUBPART 12.10—LIFEBOATMAN.

12.10-1 Certification required.
12.10-3 Service or training requirements.
12.10-5 Examination and demonstration of ability.
12.10-7 General provisions respecting merchant mariner's documents endorsed as lifeboatman.

SUBPART 12.15—QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

12.15-1 Certification required.
12.15-3 General requirements.
12.15-5 Physical requirements.
12.15-7 Service or training requirements.
12.15-9 Examination requirements.
12.15-11 General provisions respecting merchant mariner's documents endorsed as qualified member of the engine department.
12.15-13 Certification of qualified member of the engine department under wartime regulations.

SUBPART 12.20—TANKERMAN

12.20-1 General requirements.
12.20-3 Physical requirements.
12.20-5 Examination requirements.

SUBPART 12.25—CERTIFICATES OF SERVICE FOR RATINGS OTHER THAN ABLE SEAMAN OR QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

Sec. 12.25-1 Certification required.
12.25-5 Commitment of employment.
12.25-10 General requirements.
12.25-15 Radio operator.
12.25-20 Food handler.
12.25-25 Members of Merchant Marine Cadet Corps.
12.25-30 Student observers.
12.25-35 Authority of merchant mariner's documents issued as steward, cook, or baker.

AUTHORITY: §§ 12.01-1 to 12.25-35, inclusive, issued under R. S. 4405, 4417a, 4488, and 4551, as amended; Sec. 13, 38 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, secs. 1, 2, 50 Stat. 199, sec. 1, 52 Stat. 753, 55 Stat. 579, 732; sec. 1, 49 Stat. 1544, sec. 7, 49 Stat. 1936 and 55 Stat. 244, as amended. 46 U. S. C. 367, 375, 391a, 481, 643, 672, 672-1, 672-2, 672b, 689; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

SUBPART 12.01—GENERAL

§ 12.01-1 *Basis and purpose of regulations.* By virtue of the authority vested in the Commandant of the Coast Guard under R. S. 4405, 4417a, 4488, and 4551, as amended; sec. 13, 38 Stat. 1169, as amended by sec. 1, 49 Stat. 1930, secs. 1, 2, 50 Stat. 199, sec. 1, 52 Stat. 753, 55 Stat. 579, and 55 Stat. 732; sec. 1, 49 Stat. 1544, sec. 7, 49 Stat. 1936, and 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 481, 643, 672, 672-1, 672-2, 672b, 689; the regulations in this part are prescribed to provide a comprehensive and adequate means of determining the identity or the qualifications an applicant must possess in order to be eligible for certification to serve on merchant vessels of the United States, in accordance with the intent of the statutes and to obtain their correct and uniform administration.

SUBPART 12.02—GENERAL REQUIREMENTS FOR CERTIFICATION

§ 12.02-3 *Where documents are issued.* (a) Certificates of identification, certificates of service, certificates of efficiency, and continuous discharge books are issued to applicants qualifying therefor at any Marine Inspection Office of the Coast Guard during usual business hours. (For addresses of Marine Inspection Offices see 33 CFR 1.10-20.)

(b) (1) Coast Guard Merchant Marine Details abroad are authorized to conduct examinations for up-grading of seamen, but are not prepared to conduct the physical examination where required. Merchant Marine Details will therefore not issue regular certificates, but temporary permits in lieu thereof. Merchant Marine Details will instruct the recipient of each temporary permit to present it to the Officer in Charge, Marine Inspection, upon arrival in the first port in the United States in which a Marine Inspection Office is located in order to exchange it for a permanent certificate.

(2) The temporary permit shall be accepted in a Marine Inspection Office as proof that the bearer has complied with the rules and regulations governing the issuance of certificates, except as noted in the body of the temporary permit. The requirements noted in the exceptions

will be complied with as in the case of other applicants.

(3) The written examinations are forwarded to the Commandant by Merchant Marine Details, and any Marine Inspection Office at which an applicant with a temporary permit appears may request and obtain the examination in the case from the Commandant. Any Marine Inspection Office which doubts the propriety of issuing a permanent certificate in lieu of a temporary permit which has been issued by a foreign Merchant Marine Detail shall inform the Commandant fully as to the circumstances.

§ 12.02-5 *Form in which documents are issued.* (a) Every certificate of service, certificate of efficiency, or certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Coast Guard Form 2838, and wherever such certificates are mentioned in this part they shall be deemed to include merchant mariner's documents representing such certificates.

(b) Continuous discharge books are issued on Coast Guard Form 719.

§ 12.02-7 *When documents are required.* (a) Every seaman employed on any merchant vessel of the United States of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be issued, at the option of the seaman, a continuous discharge book, a certificate of identification, or merchant mariner's document representing such certificate of identification, which shall be retained by him. This book or certificate of identification or merchant mariner's document will bear a number, and this same number shall be shown on all certificates of service of efficiency issued to the holder of the book or certificate or document. Provisions of this section are not applicable to unriggered vessels except seagoing barges and certain tank barges.

(b) Every seaman, as referred to in paragraph (a) of this section, shall produce a continuous discharge book or certificate of identification or merchant mariner's document representing such a certificate to the United States shipping commissioner before signing Articles of Agreement, and where the seaman is not signed on before a shipping commissioner, one of these documents shall be exhibited to the master of the vessel at the time of his employment. Seamen who do not possess one of these documents may be employed at a foreign port or place.

(c) (1) Every person employed on any merchant vessel of the United States of 100 gross tons and upward, except those navigating rivers exclusively and the smaller inland lakes, below the rank of licensed officer and registered staff officer, shall possess a valid certificate of service, or merchant mariner's document representing such certificate, issued by an Officer in Charge, Marine Inspection.

(2) No certificate of service or efficiency is required of any person below the rank of license officer employed on any unriggered vessel except seagoing barges and certain tank barges.

(3) No certificate of service or efficiency is required of any person below the rank of licensed officer employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended (33 U. S. C. 151)

§ 12.02-9 Application for documents.

(a) An applicant for a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or merchant mariner's document, shall make written application, in duplicate, on Coast Guard Form 719-b and shall appear in person before an Officer in Charge, Marine Inspection, or other person authorized to issue documents. The placing of fingerprints on the application shall be optional with the seaman. This application may be for as many certificates or ratings as the seaman believes he is qualified. In the case of a seaman applying for his first certificate, other than certificate of identification, the application shall include a request for either a continuous discharge book or a merchant mariner's document representing a certificate of identification, at the option of the applicant.

(b) (1) When the application is submitted for a certificate of identification, certificate of service, certificate of efficiency, merchant mariner's document, or any combination thereof, or a continuous discharge book, the seaman shall furnish three unmounted dull finish photographs of passport type (2 inches by 1½ inches) taken within one year and showing the full face at least one inch in height with head uncovered.

(2) When the application requests a continuous discharge book in addition to a certificate of service or certificate of efficiency or merchant mariner's document one additional photograph shall be furnished.

(c) An applicant for a document where sea service is required shall produce with his application discharges or other documentary evidence of his service, indicating the name of the vessels and dates on which he has had service, in what capacity, and on what waters.

(d) If the applicant possesses a continuous discharge book, certificate of identification, or merchant mariner's document representing such certificate, it shall be exhibited at the time of making application for any other document.

§ 12.02-11 General provisions respecting merchant mariner's documents. (a) As provided in § 12.02-5 every certificate of service, certificate of efficiency, or certificate of identification issued or reissued after November 1, 1945, shall be in the form of a merchant mariner's document, Coast Guard Form 2838.

(b) Any licensed officer or unlicensed seaman currently holding, in a valid status, any of the documents listed in paragraph (a) of this section may, upon request and without examination, be issued a merchant mariner's document.

(c) A merchant mariner's document shall be a certificate of service authorizing the holder to serve in any rating in-

dorsed thereon or in any lower rating in the same department or in any rating covered by a general indorsement thereon. If the holder of a merchant mariner's document is qualified to serve in more than one department, the capacities for which he is qualified in each department will be indorsed separately.

(d) (1) A merchant mariner's document issued to a licensed deck officer will be indorsed for, "any unlicensed rating in the deck department except able seaman," and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in the deck department except able seaman without being required to present his license. If a licensed deck officer qualifies as able seaman the merchant mariner's document will be indorsed, "any unlicensed rating in the deck department including able seaman," and such indorsement will be deemed to include a certificate of efficiency as lifeboatman.

(2) A merchant mariner's document issued to a licensed engineer officer will be indorsed for, "any unlicensed rating in the engine department," and will be a certificate of service authorizing the holder to serve in any unlicensed capacity in the engine department without being required to present his license. If a licensed engineer qualifies as a lifeboatman, the further indorsement, "Lifeboatman," will be placed on the merchant mariner's document.

(e) A merchant mariner's document issued to a staff officer will be indorsed as follows: "See Certificate of Registry." The holder of a certificate of registry as chief purser, purser, senior assistant purser, or junior assistant purser may serve as a purser's clerk without obtaining an indorsement on his merchant mariner's document.

(f) A merchant mariner's document indorsed as able seaman or as lifeboatman shall be a certificate of efficiency as lifeboatman.

(g) Every merchant mariner's document shall be a certificate of identification unless the holder also holds a continuous discharge book. The holder of a certificate of identification in the form issued before November 1, 1945, shall surrender that certificate before he is issued a merchant mariner's document.

§ 12.02-13 Citizenship requirements.

(a) If an applicant is unable to present acceptable evidence of citizenship, question marks shall be placed to the right of the spaces entitled "Place of Birth" and "Nationality," as they appear in a continuous discharge book or on a certificate of identification or merchant mariner's document. Such question marks will indicate to interested parties that the holder of such documents has not satisfactorily established his citizenship. Any seaman who has been issued a continuous discharge book or certificate of identification or merchant mariner's document containing question marks may at any time produce additional evidence of his citizenship to any Shipping Commissioner or Officer in Charge, Marine Inspection. If the additional evidence produced satisfies the Shipping Commissioner or the Officer in Charge, Marine Inspection, to whom it

is presented that the same is acceptable evidence of the citizenship of the seaman, such official may draw lines through the question marks and note the nationality of the seaman in the space provided therefor, attesting the change, or rescue the certificate or document. Whenever such changes are made the official making the change shall immediately thereafter notify the Commandant.

(b) Acceptable evidence of citizenship is set forth in § 10.02-5 of this subchapter.

(c) (1) No documents shall be issued to an enemy alien. The term "enemy alien" shall include the following:

(i) All aliens of the age of 14 years or older who were or are citizens or subjects of Germany or Japan.

(ii) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany or Japan.

(2) The term "enemy alien" shall not include the following:

(i) Former German or Japanese citizens or subjects who, before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German citizens or subjects, became and are citizens of any nation other than Germany or Japan.

(ii) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940: *Provided*, That such persons have not at any time voluntarily become German or Japanese citizens or subjects.

(iii) All citizens or subjects of Italy, and all aliens who at present are stateless but who at the time at which they became stateless were citizens or subjects of Italy.

(iv) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

(3) Should any difficulties arise as to whether or not any person is an enemy alien, such case will be referred to the Commandant together with the date and place of birth and statements regarding the citizenship of the person whose status is in doubt.

§ 12.02-15 Oath requirement. An applicant for a certificate of service for a rating other than as able seaman or qualified member of the engine department shall take oath before an Officer in Charge, Marine Inspection, or other officer authorized to give such oath that he will faithfully and honestly perform all the duties required of him by law and carry out all lawful orders of his superior officers on shipboard.

§ 12.02-17 Rules for the preparation and issuance of documents. (a) Upon application of any person for a certificate of service or efficiency, or merchant mariner's document, any required examination will be given as soon as practicable.

(b) Upon satisfactory completion of any required examination the Officer in Charge, Marine Inspection, shall issue the appropriate document to the applicant.

(c) Before the delivery of the document the seaman shall affix his signature on the document and shall impress his left thumbprint on the back of the document. When the seaman has no left thumb, the imprint of the right thumb may be used and that fact noted.

(d) A seaman's Social Security number may be indorsed on his document only by the Officer in Charge, Marine Inspection, or the officer or person designated for the purpose of issuing documents, including Shipping Commissioners and Collectors of Customs acting as Shipping Commissioners.

(e) Whenever a certificate or document of any type issued to seamen is reported to an Officer in Charge, Marine Inspection, as having been stolen, lost, or destroyed, the Officer in Charge, Marine Inspection, shall immediately report the fact by letter to the Commandant, giving all the facts incident to its loss or destruction. By the same procedure, he shall report the recovery of any document together with all facts incident to its recovery, and shall forward the recovered document to the Commandant.

(f) Any applicant for a certificate of service or of efficiency who has been duly examined and refused a certificate by an Officer in Charge, Marine Inspection, will not be permitted to make application for reexamination until 30 days have elapsed.

§ 12.02-19 *Suspension or revocation of documents.* Any certificate of service or of efficiency or merchant mariner's document representing such certificate(s) is subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of R. S. 4450, as amended (46 U. S. C. 239)

§ 12.02-21 *Issuance of documents after revocation.* (a) An applicant who has had a certificate or other document revoked and who is applying for certification in the same or any other rating shall state in his application the date of revocation and number or type of the document revoked.

(b) No applicant who has had a certificate or other document revoked will be certificated in the same or any other rating except upon approval of the Commandant.

§ 12.02-23 *Issuance of duplicate documents.* (a) If a seaman loses his continuous discharge book, certificate of identification, or merchant mariner's document representing a certificate of identification, or certificate of discharge by shipwreck or other casualty, he shall be supplied with a reissue of such documents free of charge. The phrase "or other casualty" as used in this section is interpreted to mean any damage to a ship caused by collision, explosion, tornado, wreck or flooding of the ship, such as a tidal wave or a grounding of the ship on a sand bar, or a beaching of the ship on a shore or by fire or other causes in a category with these mentioned.

(b) (1) If a seaman loses his continuous discharge book, certificate of identification, or merchant mariner's document representing a certificate of

identification, or certificate of discharge otherwise than by shipwreck, or other casualty, he will be required to pay for a reissue an amount equal to the cost of such book or certificate to the Government, which for the current supply will be as follows:

(i) Reissue continuous discharge book, \$1.00.

(ii) Reissue certificate of identification, \$0.75.

(iii) Reissue merchant mariner's document, \$0.75.

(iv) Reissue certificate of discharge, \$0.35.

(v) Each additional reissue certificate of discharge issued to the same man at the same time, \$0.05.

(2) Other than as above stated, no additional amount shall be charged or received in connection with the issuance of such reissues.

(3) When payment is made to a Collector or Deputy Collector of Customs, a receipt will be issued on Cat. 1008 and the payments will be scheduled on Standard form 1044, Schedule of Collections, as "Reimbursement for loss of continuous discharge books, etc., Coast Guard" symbol number 134236. These collections are to be listed on a separate schedule from Navigation Fees, and are also to be listed as a separate item on the account current with the title and symbol number as given above.

(4) When the money is collected by a Shipping Commissioner or Officer in Charge, Marine Inspection, he will issue to the seaman a receipt, stating thereon the number of the document issued and the amount collected. The Shipping Commissioner or Officer in Charge, Marine Inspection, will pay over to the Collector of Customs of his port all moneys received from this source, such payment to be made at as early a date as practicable. The Collector will issue a receipt to the Shipping Commissioner or Officer in Charge, Marine Inspection, on Cat. 1008 for the moneys so paid, and the Collector will follow the procedure outlined in the above paragraph in accounting for the moneys so transferred to him.

(c) The seaman shall be required to pay for the reissue document (if payment is required) at the time he makes affidavit and in the event the lost document is found he shall be required to surrender same to the Shipping Commissioner, Collector or Deputy Collector of Customs, or the Officer in Charge, Marine Inspection. If the seaman requests a certificate of identification in lieu of a lost book or vice versa he shall be required to pay for the reissue of the lost document at the time he makes affidavit (if payment is required). When the reissue of document is issued to him he may then exchange the same in accordance with the regular procedure.

(d) A seaman shall be required to furnish one properly executed affidavit on Coast Guard Form 719-E, giving satisfactory evidence of the loss of his documents to the Officer in Charge, Marine Inspection, Shipping Commissioner, Collector of Customs, Deputy Collector of Customs or other authorized person. The affidavit shall be accompa-

med by one photograph for each reissue of document requested, except no photograph is required for a reissue certificate of discharge. The affidavit and necessary photographs shall be forwarded by the official receiving them to Coast Guard Headquarters and the Commandant will cause to be prepared a duplicate of lost document requested. The duplicate document will be prepared from available records at Coast Guard Headquarters and returned for issuance to the office which forwarded the affidavit. The reissued document will be marked, "duplicate," and will bear the same number as the original book or certificate of identification with the addition of the suffix "D-1" on the first reissue, "D-2" on the second reissue, "D-3" on the third reissue, etc., such suffix shall then become part of the serial number and shall be recorded in all subsequent records.

(e) Any person whose certificate of service or efficiency has been stolen, lost or destroyed, shall report that fact to an Officer in Charge, Marine Inspection, as soon as possible.

SUBPART 12.05—ABLE SEAMEN

§ 12.05-1 *Certification required.* (a) Every person employed in a rating as able seaman on any United States vessel requiring certificated able seaman, before signing articles of agreement, shall present to the Shipping Commissioner, United States Collector or Deputy Collector of Customs, or master, his certificate as able seaman or his merchant mariner's document indorsed as able seaman.

(b) No certificate as able seaman is required of any person employed on any unrigger vessel except sea-going barges, nor on any tug or towboat on the bays and sounds connected directly with the seas.

(c) No certificate as able seaman is required of any person employed on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas.

§ 12.05-3 *General requirements.* (a) To qualify for certification as able seaman an applicant shall be:

- (1) At least 19 years of age;
- (2) Pass the prescribed physical examination;
- (3) Meet the sea service or training requirements set forth in this part; and
- (4) Satisfactorily pass an examination demonstrating his ability as an able seaman and lifeboatman.

(b) Applicants holding old form able seaman or lifeboatman certificates issued prior to the enactment of Public Law 808, Seventy-fourth Congress, June 25, 1936 (46 Stat. 1930), shall surrender such certificates when making application for a new form certificate.

§ 12.05-5 *Physical requirements.* (a) All applicants for a certificate of service as able seaman shall be required to pass a physical examination given by a medical officer of the United States Public Health Service and present to the Officer in Charge, Marine Inspection, a certifi-

cate executed by the Public Health Service Officer. Such certificate shall attest to the applicant's acuity of vision, color sense, hearing, and general physical condition. In exceptional cases where an applicant would be put to great inconvenience or expense to appear before a medical officer of the United States Public Health Service, the physical examination and certification may be made by any other reputable physician.

(b) The medical examination for an able seaman is the same as for an original license as a deck officer as set forth in § 10.02-5 of this subchapter. If the applicant is in possession of an unexpired deck license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

§ 12.05-7 *Service or training requirements.* (a) The minimum service or training required to qualify an applicant for certification and the various endorsements as able seaman is listed in this paragraph:

(i) *High seas and inland waters.* (1) "Any waters-unlimited." 3 years' service on deck at sea in ocean, coastwise, or Great Lakes vessels of 100 gross tons or over.

(ii) "Any waters-unlimited." The period of time spent by an applicant successfully completing a course of able seaman's training in a training school approved by the Commandant may be accepted as the equivalent of sea service up to a maximum of one year of the 3 years required in subdivision (i) of this subparagraph.

(iii) "Any waters-unlimited." Satisfactory completion of 18 months' training in a seagoing training ship approved by the Commandant.

(iv) "Any waters—12 months." 12 months' service on deck at sea in ocean, coastwise, or Great Lakes vessels of 100 gross tons or over. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(v) "Any waters—12 months." Satisfactory completion of a course of training at a U. S. Maritime Service Training Station of at least 9 months, 6 months of which shall have been served aboard a seagoing training vessel. (Holders of certification under this provision are limited to one-fourth of the number of able seamen required by law to be employed on a vessel.)

(2) *Great Lakes and inland waters.* (i) "Great Lakes—18 months' service." 18 months' service on deck at sea in ocean, coastwise, Great Lakes, smaller lakes, bays or sounds vessels of 100 gross tons or over. (Holders of certification under this provision may comprise the required number of able seamen on vessels on the Great Lakes and on the smaller lakes, bays, and sounds.) If the seaman possesses the requisite service for certification under subparagraph (1) (iv) of this paragraph, there shall be added "any waters—12 months."

(3) *Tugs and towboats.* (i) "Tugs and towboats—any waters." 18 months' service on deck at sea in vessels operating on oceans, coastwise, Great Lakes,

or on the bays and sounds connected directly with the seas.

(4) *Bays and sounds.* (i) "Bays and sounds—12 months, vessels 500 gross tons or under not carrying passengers." 12 months' service on deck at sea in vessels operating on oceans, coastwise, Great Lakes, or on the bays and sounds connected directly with the seas.

(5) *Barges.* (i) "Seagoing barges—12 months." 12 months' service on deck at sea in vessels operating on oceans, coastwise, Great Lakes, or on the bays and sounds connected directly with the seas.

§ 12.05-9 *Examination and demonstration of ability.* (a) Before an applicant is certified as able seaman, he shall prove to the satisfaction of the Coast Guard by oral or written examination and by actual demonstration, his knowledge of seamanship and his ability to carry out effectively all the duties that may be required of an able seaman, including those of a lifeboatman. He shall demonstrate that:

(1) He has been trained in all the operations connected with the launching of lifeboats and life rafts and the use of oars and sail;

(2) He is acquainted with the practical handling of the boats themselves; and

(3) He is capable of taking command of a boat's crew.

(b) The oral or written examination shall consist of questions regarding:

(1) Lifeboats and life rafts, the names of their essential parts, and a description of the required equipment;

(2) The clearing away, swinging out, and lowering of boats and rafts, the handling of boats under oars and sails, including questions relative to the proper handling of a boat in running before a heavy sea, in pulling into a sea, etc.,

(3) The construction and functions of gravity, radial, and quadrantal types of davits;

(4) The applicant's knowledge of nautical terms; boxing the compass, either by degrees or points according to his experience; running lights, passing signals, and fog signals for vessels on the high seas, in inland waters, or on the Great Lakes depending upon the waters on which the applicant has had services; and distress signals; and,

(5) The applicants' knowledge of commands in handling the wheel by obeying orders passed to him as "wheelman," and knowledge of the use of engine room telegraph or bell-pull signals.

(c) In the actual demonstration, the applicant shall show his ability by taking command of a boat and directing the operation of clearing away, swinging out, lowering the boat into the water, and acting as coxswain in charge of the boat under oars. He shall demonstrate his ability to row by actually pulling an oar in the boat. He shall also demonstrate knowledge of the principal knots, bends, splices, and hitches in common use by actually making them.

§ 12.05-11 *General provisions respecting merchant mariner's documents indorsed as able seaman.* (a) The holder of a merchant mariner's document indorsed for the rating of able seaman

may serve in any of the following unlicensed ratings in the deck department without obtaining an additional indorsement: boatswain, quartermaster, lookout, cadet, carpenter, storekeeper, master-at-arms, fire patrolman, watchman, and winch driver. The holder of a document indorsed for the rating of able seaman may serve in any unqualified rating in the deck department without obtaining an additional indorsement.

(b) A merchant mariner's document indorsed as able seaman will also be considered a certificate of efficiency as lifeboatman without further indorsement.

(c) This type of document will describe clearly the type of able seaman certificate which it represents, e. g., able seaman—any waters; able seaman—any waters, 12 months; able seaman—Great Lakes, 18 months; able seaman—on freight vessels 500 gross tons or less on bays or sounds, and on tugs, towboats, and barges on any waters.

§ 12.05-13 *Certification of able seaman under wartime regulations.* Any person who has been certified as able seaman under wartime regulations and whose certificate or document is stamped "Unless sooner invalidated this certificate shall expire six months after the termination of the war" shall be permitted to be employed in the capacities indicated on his certificate until such certificate is revoked or suspended or until six months after the date the President or Congress declares World War II officially terminated. A seaman who can produce documentary evidence of sufficient service to comply with the peacetime sea service requirements may be issued a merchant mariner's document on which the restrictive marking is omitted: *Provided*, He surrenders for cancellation the original certificate or merchant mariner's document bearing the marking and that he is qualified in all other respects.

SUBPART 12.10—LIFEBOATMAN

§ 12.10-1 *Certification required.* Every person employed in a rating as lifeboatman on any United States vessel requiring certificated lifeboatmen shall produce a certificate as lifeboatman or merchant-mariner's document indorsed as lifeboatman or able seaman to the shipping commissioner, United States collector of deputy collector of customs, or master before signing articles of agreement. No certificate of efficiency as lifeboatman is required of any person employed on any unrigged vessel, except seagoing barges.

§ 12.10-3 *Service or training requirements.* (a) An applicant, to be eligible for certification as lifeboatman must meet one of the following requirements: (1) At least 1 year's sea service in the deck department, or at least 2 years' sea service in the other departments of ocean, coastwise, Great Lakes, and other lakes, bays, or sounds vessels.

(2) Graduation from a schoolship approved by and conducted under rules prescribed by the Commandant.

(3) Satisfactory completion of basic training by a Cadet of the United States Merchant Marine Cadet Corps.

(4) Satisfactory completion of 3 years' training at the U. S. Naval Academy or the U. S. Coast Guard Academy including two training cruises.

(5) Satisfactory completion of a course of training approved by the Commandant, and served aboard a training vessel.

(6) Successful completion of a training course approved by the Commandant, such course to include a minimum of 30 hours' actual lifeboat training: *Provided*, That the applicant produces evidence of having served a minimum of 3 months at sea aboard ocean or coastwise vessels.

§ 12.10-5 *Examination and demonstration of ability.* (a) Before a lifeboatman's certificate may be granted the applicant must prove to the satisfaction of the Coast Guard that he has been trained in all the operations connected with launching lifeboats and life rafts and the use of oars and sail; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service. An oral examination and practical demonstration of ability may be required.

(b) The oral examination shall consist of questions regarding:

(1) The construction of lifeboats and life rafts, the names of their different parts, and a description of the equipment required;

(2) The construction and functions of the gravity, radial and round-bar types of davits;

(3) Clearing away, swinging out, and lowering boats and rafts;

(4) Handling boats under oars and sails; and

(5) Nautical terms used in connection with launching and handling life boats.

(c) The practical examination shall consist of a demonstration of the applicant's ability to carry out the orders incident to launching lifeboats, and the use of the boat's sail, and to row.

§ 12.10-7 *General provisions respecting merchant mariner's documents indorsed as lifeboatman.* A merchant mariner's document indorsed as able seaman shall be considered as the equivalent of a certificate as lifeboatman or an

indorsement as lifeboatman and it shall be accepted as a certificate as lifeboatman wherever required by law or regulation.

SUBPART 12.15—QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

§ 12.15-1 *Certification required.* (a) Every person employed in a rating as qualified member of the engine department on any United States vessel requiring certificated qualified members of the engine department shall produce a certificate as qualified member of the engine department to the shipping commissioner, United States collector or deputy collector of customs, or master before signing articles of agreement.

(b) No certificate as qualified member of the engine department is required of any person employed on any unrigged vessel, except seagoing barges.

§ 12.15-3 *General requirements.* (a) A qualified member of the engine department is any person below the rating of licensed officer and above the rating of coal passer or wiper, who holds a certificate of service as such qualified member of the engine department issued by the Coast Guard or predecessor authority.

(b) For purposes of administering the regulations in this part the rating of "assistant electrician" is considered a rating not above that of coal passer or wiper, but equal thereto.

§ 12.15-5 *Physical requirements.*

(a) An applicant for a certificate of service as a qualified member of the engine department shall present a certificate of a medical officer of the United States Public Health Service, or other reputable physician attesting that his eyesight, hearing, and physical condition are such that he can perform the duties required of a qualified member of the engine department.

(b) The medical examination for qualified member of the engine department is the same as for an original license, as engineer, as set forth in § 10.02-5 of this subchapter, except that the exemption regarding monocular vision granted to engineers does not apply. If the applicant is in possession of an unexpired license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

(c) An applicant holding a certificate of service for a particular rating as qualified member of the engine department and desiring certification for another rating covered by this same form of certificate may qualify therefor without a physical examination unless the Officer in Charge, Marine Inspection, finds that the applicant obviously suffers from some physical or mental infirmity to a degree that would render him incompetent to perform the ordinary duties of a qualified member of the engine department. In this event the applicant shall be required to undergo an examination to determine his competency.

§ 12.15-7 *Service or training requirements.* (a) An applicant for a certificate of service as qualified member of the engine department shall furnish the Coast Guard proof that he possesses one of the following requirements of training or service:

(1) 6 months' service at sea in a rating at least equal to that of coal passer or wiper in the engine department of vessels required to have such certificated men, or in the engine department of tugs or towboats operating on the high seas or Great Lakes, or on the bays or sounds directly connected with the seas; or,

(2) Graduation from a schoolship approved by and conducted under rules prescribed by the Commandant; or,

(3) Satisfactory completion of a course of training approved by the Commandant, and served aboard a training vessel; or,

(4) Graduation from the U. S. Naval Academy or the U. S. Coast Guard Academy.

§ 12.15-9 *Examination requirements.*

(a) Applicants for certification as qualified members of the engine department in the ratings of oiler, watertender, fireman, deck engineer, refrigerating engineer, junior engineer, electrician, and machinist shall be examined orally or in writing on the subjects listed in paragraph (b) of this section. The applicant's general knowledge of the subjects must be sufficient to satisfy the examiner that he is qualified to perform the duties of the rating for which he makes application.

(b) List of subjects required:

TABLE 12.15-9 (b)—SUBJECTS FOR QUALIFIED MEMBERS OF ENGINE DEPARTMENT

Subjects	Machinist	Refrigerating engineer	Fireman	Water-tender	Oiler	Electrician	Junior engineer	Deck engineer
1. Application, maintenance, and use of hand tools and measuring instruments.....	X	X	X	X	X	X	X	X
2. Uses of babbit, copper, brass, steel, and other metals.....	X	X		X	X	X	X	X
3. Methods of measuring pipe, pipe fittings, sheet metal, machine bolts and nuts, packing, etc.....	X	X		X	X	X	X	X
4. Operation and maintenance of mechanical remote control equipment.....	X			X	X	X	X	X
5. Precautions to be taken for the prevention of fire and the proper use of fire fighting equipment.....	X	X	X	X	X	X	X	X
6. Principles of mechanical refrigeration; and functions, operation, and maintenance of various machines and parts of the systems.....		X			X		X	
7. Knowledge of piping systems as used in ammonia, freon, and CO ₂ , including testing for leaks, operation of by-passes, and making up of joints.....		X					X	
8. Safety precautions to be observed in the operation of various refrigerating systems, including storage of refrigerants, and the use of gas masks and fire fighting equipment.....	X	X		X	X	X	X	X
9. Combustion of fuels, proper temperature, pressures, and atomization.....			X	X	X		X	
10. Operation of the fuel oil system on oil burning boilers, including the transfer and storage of fuel oil.....			X	X	X		X	X
11. Hazards involved and the precautions taken against accumulation of oil in furnaces, bilges, floor plates, and tank tops; flarebacks, leaks in fuel oil heaters, clogged strainers and burner tips.....	X	X	X	X	X	X	X	
12. Precautions necessary when filling empty boilers, starting up the fuel oil burning system, and raising steam from a cold boiler.....			X	X	X		X	
13. The function, operation, and maintenance of the various engine room auxiliaries.....	X	X		X	X	X	X	X
14. Proper operation of the various types of lubricating systems.....	X	X		X	X		X	

TABLE 12.15-9 (b)—SUBJECTS FOR QUALIFIED MEMBERS OF ENGINE DEPARTMENT—Continued

Subjects	Machinist	Refrigerating engineer	Fireman	Watertender	Oiler	Electrician	Junior engineer	Deck engineer
15. Safety precautions to be observed in connection with the operation of engine room auxiliaries, electrical machinery, and switchboard equipment.	X	X		X	X	X	X	X
16. The function, operation, and maintenance of the bilge, ballast, fire, freshwater, sanitary, and lubricating systems.	X	X		X	X	X	X	X
17. Proper care of spare machine parts and idle equipment.	X	X		X	X	X	X	X
18. The procedure in preparing a turbine, reciprocating, or Diesel engine for standby; also the procedure in securing.				X	X		X	
19. Operation and maintenance of the equipment necessary for the supply of water to boilers, the dangers of high and low water and remedial action.			X	X	X		X	
20. Operation, location, and maintenance of the various boiler fittings and accessories.	X		X	X	X		X	
21. The practical application and solution of basic electrical calculations, (Ohm's law, power formula, etc.)						X	X	X
22. Electric wiring circuits of the various two-wire and three-wire D. C. systems and the various single-phase and polyphase A. C. systems.						X	X	X
23. Application and characteristics of parallel and series circuits.						X	X	X
24. Application and maintenance of electrical meters and instruments.						X	X	X
25. The maintenance and installation of lighting and power wiring involving testing for, locating and correcting grounds, short circuits and open circuits, and making splices.						X	X	X
26. The operation and maintenance of the various types of generators and meters, both A. C. and D. C.						X	X	X
27. Operation, installation, and maintenance of the various types of electrical controls and safety devices.						X	X	X
28. Testing and maintenance of special electrical equipment such as telegraphs, telephones, alarm systems, fire detecting systems, and rudder angle indicators.						X	X	
29. Rules and Regulations and requirements for installation, repair, and maintenance of electrical wiring and equipment installed aboard ships.						X	X	X
30. Such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.	X	X	X	X	X	X	X	X

(c) Applicants for certification as qualified member of the engine department in ratings other than those indicated in table 12.15-9 (b) shall, by written or oral examination, demonstrate sufficient general knowledge of the subjects peculiar to the rating applied for to satisfy the examiner that he is qualified to perform the duties of the rating.

§ 12.15-11 *General provisions respecting merchant mariner's documents indorsed as qualified member of the engine department.* The holder of a merchant mariner's document indorsed with one or more qualified member of the engine department ratings may serve in any unqualified rating in the engine department without obtaining as additional indorsement. This does not mean that an indorsement of one qualified member of the engine department rating authorizes the holder to serve in all qualified member of the engine department ratings. Each qualified member of the engine department rating for which a holder of a merchant mariner's document is qualified must be indorsed separately. When, however, the applicant qualifies for all ratings covered by a certificate as a qualified member of the engine department, the certification may read "QMED—any rating." The ratings are as follows:

- (a) Refrigerating engineer.
- (b) Oiler.
- (c) Watertender.
- (d) Fireman.
- (e) Deck engineer.
- (f) Junior engineer.
- (g) Electrician.
- (h) Boilermaker.
- (i) Machinist.
- (j) Pumpman.

§ 12.15-13 *Certification of qualified members of the engine department under wartime regulations.* Any person who has been certified as qualified member of the engine department under wartime regulations and whose certificate or document is stamped "Unless sooner invalidated this certificate shall expire six months after the termination of the war" shall be permitted to be employed in the

capacities indicated on his certificate until such certificate is revoked or suspended or until six months after the date the President or Congress declares World War II officially terminated. A seaman who can produce documentary evidence of sufficient service to comply with the peacetime sea service requirements may be issued a merchant mariner's document on which the restrictive marking is omitted, provided he surrenders for cancellation the original certificate or merchant mariner's document bearing the marking and that he is qualified in all other respects.

SUBPART 12.20—TANKERMAN

§ 12.20-1 *General requirements.* (a) Any applicant for a certificate as tankerman who is not licensed as master, mate, pilot or engineer, shall be eligible for certification after he has furnished satisfactory documentary evidence to the Coast Guard that he is trained in, and capable of performing efficiently the necessary operations on tank vessels which relate to the handling of cargo.

(b) Applicants qualifying for certification as tankerman shall be issued a merchant mariner's document indorsed with the rating of tankerman and the kinds or grades of liquid cargo the holder is qualified to handle.

(c) A currently valid license as master, mate, pilot or engineer shall be considered as a certificate as tankerman and the holder may serve as tankerman upon inspected vessels of the United States required to have such certificated tankerman without having a separate certificate as tankerman.

§ 12.20-3 *Physical requirements.* (a) Applicants for certification as tankerman shall present a certificate of a medical officer of the United States Public Health Service, or other reputable physician, attesting that his eyesight, hearing, and physical condition are such that he can perform the duties required of a tankerman.

(b) The medical examination is the same as for an original license as engineer, except that the applicant will be

given a color vision test required for a licensed deck officer, as set forth in the regulations in § 10.02-5 of this subchapter. If the applicant is in possession of an unexpired deck license, the Officer in Charge, Marine Inspection, may waive the requirement for a physical examination.

§ 12.20-5 *Examination requirements.* Applicants for certification as tankerman must prove to the satisfaction of the Coast Guard by an oral or written examination that he is familiar with the general arrangement of cargo tanks, suction and discharge pipe lines and valves, cargo pumps and cargo hose, and has been properly trained in the actual operation of cargo pumps, all other operations connected with the loading and discharging of cargo, and the use of fire extinguishing equipment.

SUBPART 12.25—CERTIFICATES OF SERVICE FOR RATINGS OTHER THAN ABLE SEAMAN OR QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

§ 12.25-1 *Certification required.* (a) Every person employed in a rating other than able seaman or qualified member of the engine department of United States vessels requiring such certificated persons shall produce a certificate of service for the capacity in which he is employed to the shipping commissioner, United States collector or deputy collector of customs, or master, before signing articles of agreement.

(b) No certificate of service shall be required of any person employed on any unrigged vessel, except seagoing barges, or on any sail vessel of less than 500 net tons while not carrying passengers for hire and while not operating outside the line dividing inland waters from the high seas, as defined in section 2 of the act of February 19, 1895, as amended.

§ 12.25-5 *Commitment of employment.* An applicant for a certificate of service in an entry rating or for an indorsement covering another such rating shall produce satisfactory proof that he has a commitment of employment as a member of the crew of a United States

merchant vessel in a capacity covered by the certificate or indorsement applied for.

§ 12.25-10 *General requirements.* (a) Merchant mariner's documents will be issued without professional examination to applicants for ratings other than able seaman or qualified member of the engine department and the holders thereof may serve in the capacities authorized by appropriate indorsement thereon.

(b) When the holder of a merchant mariner's document has qualified as a food handler, the indorsement of his rating will be followed by the further indorsement "(F H.)."

§ 12.25-15 *Radio operator.* An applicant for a certificate of service as radio operator shall produce to the Officer in Charge, Marine Inspection; his unexpired license to act in that capacity issued by the Federal Communications Commission.

§ 12.25-20 *Food handler.* No applicant for a rating authorizing the handling of food will be certificated unless he produces a certificate from a medical officer of the United States Public Health Service, or other reputable physician stating that the applicant is free from communicable disease.

§ 12.25-25 *Members of Merchant Marine Cadet Corps.* No ratings other than cadet-midshipman and lifeboatman shall be shown on a merchant mariner's document issued to a member of the U. S. Merchant Marine Cadet Corps. The merchant mariner's document shall also be stamped "Valid only while cadet-midshipman in the U. S. Maritime Commission training program." A merchant mariner's document thus prepared shall be surrendered upon the holder being certificated in any other rating or being issued a license and the rating of cadet-midshipman shall be omitted from any new merchant mariner's document issued.

§ 12.25-30 *Student observers.* Students in technical schools who are enrolled in courses in marine management and ship operations who present a letter or other documentary evidence that they are so enrolled shall be issued a merchant mariner's document as "student observers—any department" and may be signed on ships as such. Students holding these documents or certificates will not take the place of any of the crew, or fill any of the regular ratings.

§ 12.25-35 *Authority of merchant mariner's documents indorsed as steward, cook, or baker.* A merchant mariner's document indorsed for steward, cook, or baker will authorize the holder to serve in any unskilled capacity in the steward's department provided the document is indorsed as food handler.

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery—Other Than by Steam More Than 65 Feet in Length

PART 25—REQUIREMENTS FOR ALL MOTORBOATS EXCEPT THOSE OF OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

AUTHORITY: §§ 25.8-1 to 25.8-8, inclusive, issued under R. S. 4405, as amended, sec. 17,

54 Stat. 166, as amended; 46 U. S. C. 375, 526p; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 25.8-1 to 25.8-8, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635) unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Subpart 10.20 (*supra*.)

PART 27—REQUIREMENTS FOR MOTORBOATS AND MOTOR VESSELS OF MORE THAN 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

AUTHORITY: § 27.7-1 issued under R. S. 4405, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 526p; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Section 27.7-1 is cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of this regulation has been transferred to 46 CFR Subpart 10.20 (*supra*)

Subchapter D—Tank Vessels

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

AUTHORITY: Sections 36.1-1 to 36.7-9, inclusive, issued under R. S. 4405 and 4417a, as amended; 46 U. S. C. 375, 391a; sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Part 36 entitled "Licensed Officers and Certificated Men" (§§ 36.1-1 to 36.7-9, inclusive) is cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635) unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Parts 10 and 12 *supra*.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

AUTHORITY: §§ 62.1 to 62.12, inclusive, 62.13 to 62.15 inclusive, 62.29 to 62.58a, inclusive, 62.62 to 62.63 inclusive, 62.100 to 62.103 inclusive, 62.110 to 62.115 inclusive, 62.116 to 62.120 inclusive, 62.130 to 62.131 inclusive, and 62.200 to 62.205 inclusive issued under R. S. 4405, 4426, 4427, 4438, 4438a, 4439, 4440, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, 53 Stat. 1147, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 214, 224, 224a, 225, 226, 228, 229, 230, 233, 237, 247, 367, 375, 404, 405, 50 U. S. C. 1275; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 62.1 to 62.12 inclusive, 62.13 to 62.15 inclusive, 62.29 to 62.58a inclusive, 62.62 to 62.63 inclusive, 62.100 to

62.103 inclusive, 62.110 to 62.115 inclusive, 62.116 to 62.120 inclusive, 62.130 to 62.131 inclusive, and 62.200 to 62.205, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635) unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Parts 10 and 12 (*supra*).

Subchapter H—Great Lakes: General Rules and Regulations

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

AUTHORITY: §§ 78.1 to 78.12, inclusive, 78.13 to 78.15, inclusive, 78.29 to 78.33, inclusive, 78.35 to 78.38, inclusive, 78.40 to 78.51, inclusive, 78.54a to 78.54b, inclusive, and 78.101 to 78.106, inclusive, issued under R. S. 4405, 4426, 4427, 4438, 4439, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 188, and sec. 1, 34 Stat. 1411, 53 Stat. 1147, as amended; 46 U. S. C. 214, 224, 225, 226, 229, 230, 233, 237, 247, 375, 404, 405; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 78.1 to 78.12, inclusive, 78.13 to 78.15, inclusive, 78.29 to 78.33, inclusive, 78.35 to 78.38, inclusive, 78.40 to 78.51, inclusive, 78.54a to 78.54b, inclusive, and 78.101 to 78.106, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Parts 10 and 12 (*supra*.)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

AUTHORITY: §§ 96.1 to 96.12, inclusive, 96.13 to 96.15, inclusive, 96.29 to 96.32, inclusive, 96.34 to 96.37, inclusive, 96.39 to 96.50, inclusive, and 96.54 to 96.55, inclusive, issued under R. S. 4405, 4426, 4427, 4438, 4439, 4441, 4442, 4443, and 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, as amended; 46 U. S. C. 214, 224, 225, 226, 228, 230, 233, 237, 375, 404, 405; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 96.1 to 96.12 inclusive, 96.13 to 96.15 inclusive, 96.29 to 96.32 inclusive, 96.34 to 96.37 inclusive, 96.39 to 96.50 inclusive, and 96.54 to 96.55 inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635), unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Parts 10 and 12 (*supra*)

Subchapter J—Rivers: General Rules and Regulations

PART 115—LICENSED OFFICERS

AUTHORITY: §§ 115.1 to 115.12 inclusive, 115.13 to 115.15 inclusive, 115.28 to 115.31 inclusive, 115.33 to 115.36 inclusive, 115.38 to 115.43 inclusive, 115.47 to 115.51 inclusive issued under R. S. 4405, 4426, 4427, 4438, 4439, 4441, 4442, 4443, 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, as amended; 46 U. S. C. 214, 224, 225, 226, 228, 230, 233, 237, 375, 404, 405; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 115.1 to 115.12 inclusive, 115.13 to 115.15 inclusive, 115.28 to 115.31 inclusive, 115.33 to 115.36 inclusive, 115.38 to 115.43 inclusive, 115.47 to 115.51, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635) unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR Part 10 (*supra*)

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

AUTHORITY: §§ 138.1 to 138.8, inclusive, and 138.11 issued under R. S. 4405, 4417a, and 4488, as amended, secs. 1, 7, 49 Stat. 1930, 1936, sec. 1 (j), 50 Stat. 49, as amended; 46 U. S. C. 375, 391a, 481, 643, 672, 689; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 138.1 to 138.8, inclusive, and 138.11 are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635) unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER. The substance of these regulations has been transferred to 46 CFR, Part 12 (*supra*)

Subchapter C—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN: REGULATIONS DURING EMERGENCY

AUTHORITY: §§ 155.1 to 155.37, inclusive, issued under R. S. 4405, 4417a, 4426, 4438, 4439, 4440, 4441, 4442, as amended, 49 Stat. 1544; 46 U. S. C. 214, 224, 226, 228, 229, 375, 391a, 404; and sec. 101, Reorganization Plan No. 3 of 1946 (11 F. R. 7875).

Sections 155.1 to 155.37, inclusive, are cancelled and this cancellation shall become effective on and after the date of termination of the Second War Powers Act, as amended and extended (50 U. S. C. 635) unless made effective at an earlier date by proper authority. A notice of the effective date will be published in the FEDERAL REGISTER.

Dated: March 4, 1947.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 47-2103; Filed, Mar. 6, 1947; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

TRANSMISSION OF CALL LETTERS

In the matter of temporary suspension of § 6.37 of the rules and regulations affecting the transmission of call letters.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of February 1947;

The Commission having under consideration the request of the Department of State that communications facilities between the United States and Moscow be maintained on the most rapid and efficient basis possible during the forthcoming sessions of the Council of Foreign Ministers at Moscow, USSR; and

It appearing that the requirements as to hourly identification by transmission of call letters contained in § 6.37 *Call letters, transmission of* (47 CFR Cum. Supp.) of the Commission's rules and regulations may cause certain undesirable delays, particularly where it is sought to use conference circuits between the United States and Moscow during the aforementioned sessions of the Council of Foreign Ministers;

It is ordered, That the provisions of § 6.37 of the Commission's rules and regulations, be, and they are hereby suspended for a period beginning this day and ending fifteen days after the termination of the forthcoming sessions of the Council of Foreign Ministers at Moscow, USSR, insofar as they apply to radiotelegraph stations in the Fixed Public and Fixed Public Services located at or near New York, N. Y. during communication either directly, or via a relay at International Zone, Tangier, with Moscow USSR; *Provided, however,* That any licensee in the Fixed Public or Fixed Public Press Services desiring to avail itself of the benefits of this order shall furnish the Commission, in advance, with a list of the frequencies which will be employed on such circuits to Moscow as well as a schedule of the periods of time during which such frequencies will be employed on circuits between the United States and Moscow.

(Sec. 4 (i) 48 Stat. 1066, sec. 301, 48 Stat. 1081, sec. 303 (p) 48 Stat. 1033, sec. 303 (r) 50 Stat. 191, 47 U. S. C. 154 (i) 301, 303 (p), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2101; Filed, Mar. 6, 1947; 8:45 a. m.]

[Docket No. 8973]

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

TRANSMISSION OF CALL LETTERS

In the matter of amendment of § 6.37 of the rules and regulations, affecting the transmission of call letters.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of February 1947:

It appearing, that on January 31, 1947, the Commission duly published a notice of proposed rule making¹ proposing that, the requirement of half-hourly identification contained in § 6.37 *Call letters, transmission of* (47 CFR Cum. Supp.) of the Commission's rules be changed to a requirement that such identification be hourly; that the period within which interested parties were afforded an opportunity by the above-mentioned notice to submit comments expired on February 10, 1947; and that no comments in opposition to the proposed revision of this rule have been received; and

It further appearing, that public interest, convenience and necessity requires that stations subject to § 6.37 of the Commission's rules transmit identifying call letters at hourly intervals rather than half-hourly intervals; and

It further appearing, that authority for this amendment is contained in sections 4 (i), 301, 303 (p) and 303 (r) of the Communications Act of 1934, as amended, and that such amendment is for the purpose of relieving a restriction;

It is ordered, That, effective immediately, § 6.37 of the Commission's rules and regulations be, and it is hereby, amended by replacing the words "half-hourly" in the first sentence of the first paragraph thereof with the word "hourly" and by deleting the words "and half hour" in the second sentence of the same paragraph.

(Sec. 4 (i) 48 Stat. 1066, sec. 301, 48 Stat. 1081, sec. 303 (p) 48 Stat. 1033, sec. 303 (r), 50 Stat. 191, 47 U. S. C. 154 (i) 301, 303 (p), 303 (r))

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2102; Filed, Mar. 6, 1947; 8:45 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 661, Amdt. 2]

PART 97—ROUTING OF TRAFFIC

EXPORT FOOD FROM PACIFIC NORTHWEST RESTRICTED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of March A. D. 1947.

Upon further consideration of the provisions of Service Order No. 661 (11 F. R. 14711), as amended (12 F. R. 1059) and good cause appearing therefor: it is ordered, that:

Service Order No. 661 be, and it is hereby, further amended by substituting the following paragraphs (a) and (b) of § 95.661, *Export food from Pacific Northwest restricted*, for paragraphs (a) and (b) thereof:

¹ 12 F. R. 776

§ 95.661 *Export food from Pacific Northwest restricted*—(a) *Permit required to transport certain foodstuffs.* No common carrier by railroad, subject to the Interstate Commerce Act, serving any point in the States of Oregon, Washington or Idaho (except points on the Union Pacific Railroad Company east of Huntington, Oreg., and except points on the Utah Central Railroad Corporation in Idaho) or Paradise or Troy, Montana, or west thereof, shall supply, or place a railroad freight car for loading canned goods, seeds, peas, beans, flour, grain, grain by-products or grain products consigned to Atlantic ports for export without first obtaining a permit from the permit agent authorizing the furnishing and transportation of such car.

(b) *Diversions or reconsignments prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall execute, or allow or permit to be executed, any order of reconsignment or diversion, or permit rebilling or reshipping of any commodity named in, and originating at, any origin point specified in paragraph (a) hereof, to any Atlantic port for export without first obtaining a permit from the permit agent appointed herein authorizing such diversion, reconsignment, rebilling or reshipment.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 4, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads sub-

scribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17) 15(4))

By the Commission, Division 3.

[SEAL]

W P. BARTEL,
Secretary.

[F. R. Doc. 47-2090; Filed, Mar. 6, 1947;
8:47 a. m.]

[4th Rev. S. O. 104, Amdt. 4]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of February A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 104 (11 F. R. 2189) as amended (11 F. R. 3952, 9039; 12 F. R. 1235) and good cause appearing therefor; it is ordered, that:

Section 95.304 *Substitution of refrigerator cars for box cars* of Fourth Revised Service Order No. 104, as amended, be, and it is hereby, further amended by

adding the following paragraph (a) (iii) thereto:

(a) Any common carrier by railroad subject to the Interstate Commerce Act, for transporting: * * *

(iii) Or west-bound shipments in carloads originating in the States of Michigan (lower peninsula only), Indiana (excluding Chicago switching district), Kentucky, Tennessee, or Mississippi, or east thereof, and destined to points in the States of Minnesota, Iowa, Kansas, Oklahoma and Texas, or west thereof, or to Kansas City, Missouri;

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 3, 1947; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL]

W P. BARTEL,
Secretary.

[F. R. Doc. 47-2091; Filed, Mar. 6, 1947;
8:47 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 3]

NON-COMMERCIAL EDUCATIONAL BROADCAST STATIONS

FEBRUARY 17, 1947.

The Commission on February 14, 1947, adopted for release new §§ 3.501 to 3.591, inclusive, of Part 3 of the Commission's Rules Governing Standard and High Frequency Broadcast Stations. These new sections relate to Non-Commercial

Educational FM Broadcast Service and become effective on April 1, 1947.

Public notice of the rules as proposed was published on March 7, 1946, and the time for submission of comments and suggestions was extended until June 6, 1946. Several of these suggestions have been adopted by the Commission, particularly with respect to proposed §§ 3.503, 3.504, 3.505 and 3.588. Any person who is interested in submitting comments and suggestions regarding these sections, as revised, may file such comments and suggestions within 20

days from the date of this notice and may request oral argument with respect thereto. If comments and suggestions are submitted which warrant the Commission in holding an oral argument, notice of the time and place of such oral argument will be given.

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2076; Filed, Mar. 6, 1947;
8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Law 322, 79th Cong., 60 Stat. 50, Pub. Law 671, 79th Cong., 60 Stat. 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 7156, Amdt.]

ANNEMARIE KUECHLER

In re: Bank account owned by Annemarie Kuechler,

Vesting Order Number 7156, dated July 17, 1946, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 of said Vesting Order 7156, and substituting therefor the following:

2. That the property described as follows: That certain debt or other obligation of Emigrant Industrial Saving Bank, 51 Chambers Street, New York, New York, arising out of a savings account, Account Number 1,208,579, entitled Amelia Walsemann for cousin Annemarie Kuechler and

any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Annemarie Kuechler, the aforesaid national of a designated enemy country (Germany),

All other provisions of said Vesting Order 7156 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant

thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2125; Filed, Mar. 6, 1947;
8:45 a. m.]

[Vesting Order 8177]

GEBRUDER EINFALT ET AL.

In re: Patent owned by Gebruder Einfalt and interests of Tipp & Company, Gebruder Einfalt and Schreyer & Company and/or Heinrich Muller in certain agreements relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tipp & Company, Gebruder Einfalt and Schreyer & Company, business organizations organized under the laws of, and maintaining their principal places of business in, Germany, are nationals of a foreign country (Germany)

2. That Heinrich Muller, whose last known address is Germany, is a resident of Germany and a national of a foreign country (Germany)

3. That the property described in subparagraphs 6a, 6e, 6f, 6g, 6h and 6q hereof is property of Gebruder Einfalt;

4. That the property described in subparagraphs 6b, 6c, 6d, 6o and 6p hereof is property of Tipp & Company;

5. That the property described in subparagraphs 6i, 6j, 6k, 6l, 6m, 6n, 6r, 6s and 6t hereof is property of Schreyer & Company and Heinrich Muller;

6. That the property described as follows:

(a) All right, title and interest (including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof) in and to the following United States Letters Patent:

Patent No., Date, Inventor and Title

2,091,914; 8-31-37; Georg Einfalt; Periodically acting spark generating toy.

(b) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Tipp & Company by virtue of an agreement dated July 19, 1937 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Number 2,052,228,

(c) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor

created in Tipp & Company by virtue of an agreement dated July 30, 1937 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Number 2,115,108,

(d) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Tipp & Co. by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Number 2,103,447,

(e) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gebruder Einfalt, by virtue of an agreement dated May, 1937 and acknowledged June 12 and 14, 1937 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 1,997,512 and 2,104,510,

(f) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gebruder Einfalt, by virtue of an agreement dated June 12, 1937 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,091,914,

(g) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gebruder Einfalt, by virtue of an agreement dated June 29, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,195,083,

(h) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gebruder Einfalt, by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and be-

tween Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates among, other things, to United States Letters Patent No. 2,106,424,

(i) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated December 2, 1936 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., Heinrich Muller, Schreyer & Co. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,001,625 and is subject to the provisions of an agreement dated September 4, 1936 between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., and an agreement between Louis Marx & Company, Inc., Heinrich Muller, Schreyer & Co., and Transatlantic Factors, Inc., dated September 25, 1936, and a letter from Transatlantic Factors, Inc., Heinrich Muller and Schreyer & Co. to Louis Marx & Company, Inc., dated September 25, 1936,

(j) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc., and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 2,112,403; 2,115,315; 2,133,038; and 2,147,949,

(k) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,144,461,

(l) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated February 7, 1938 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,188,739,

(m) All interests and rights (including all royalties and other monies payable or held with respect to such interests

and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated May 20, 1939 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates among other things, to United States Letters Patent No. 1,959,493.

(n) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated April 1940 (including all modifications thereof and supplements thereto, if any) by and between Louis Marx & Company, Inc. and Transatlantic Factors, Inc., which agreement relates, among other things to United States Letters Patent Nos. 1,733,604 and 1,793,121.

(o) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Tipp & Co. by virtue of an agreement dated October 28, 1936 (including all modifications thereof and supplements thereto, including, but not by way of limitation, a letter dated October 6, 1937 from Tipp & Co. to Transatlantic Factors, Inc.) by and between Tipp & Co. and Transatlantic Factors, Inc., which agreement relates among other things to United States Letters Patent No. 2,052,228.

(p) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Tipp & Co. by virtue of an agreement dated October 28, 1936 (including all modifications thereof and supplements thereto, including, but not by way of limitation, a letter dated October 6, 1937 from Tipp & Co. to Transatlantic Factors, Inc.) by and between Tipp & Co. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,115,108.

(q) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Gebrüder Einfalt by virtue of an agreement dated April 14, 1938 (including all modifications thereof and supplements thereto, if any) by and between Gebrüder Einfalt and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 1,997,512; 2,106,424; 2,091,914, 2,195,083; and 2,104,510,

(r) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated April 8, 1936 (including all modifications thereof and supplements thereto, if any) by and between Schreyer & Co. and/or Heinrich Muller and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent No. 2,001,625.

(s) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement evidenced by a letter from Schreyer & Co. to Transatlantic Factors, Inc., dated May 15, 1939 (including all modifications thereof and supplements thereto, if any) by and between Schreyer & Co. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 2,112,408; 2,115,315; 2,133,038; 2,147,949; 2,188,739; and 2,144,461, and

(t) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schreyer & Co. and/or Heinrich Muller by virtue of an agreement dated May 9, 1938 (including all modifications thereof and supplements thereto, if any) by and between Schreyer & Co. and Transatlantic Factors, Inc., which agreement relates, among other things, to United States Letters Patent Nos. 1,733,604; 1,793,121; and 1,959,493,

is property of, or is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 10, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-2105; Filed, Mar. 6, 1947; 8:45 a. m.]

[Vesting Order 8250]

MARY E. HAUSER

In re: Estate of Mary E. Hauser, deceased. D-28-9105; E. T. sec. 11738.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Francesca Reim, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the Child or Children, names unknown of Frederick Koeber, deceased; Child or Children, names unknown of Karl Koeber, deceased; and Child or Children, names unknown of Anna Kern, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That the sum of \$17,492.87 was paid to the Alien Property Custodian by Frieda Hanneman, Executrix of the Estate of Mary E. Hauser, deceased;

4. That the said sum of \$17,492.87 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof, and Child or Children, names unknown of Frederick Koeber, deceased; Child or Children, names unknown of Karl Koeber, deceased; and Child or Children, names unknown of Anna Kern, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on September 12, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,
Director.

[F. R. Doc. 47-2106; Filed, Mar. 6, 1947; 8:47 a. m.]

[Vesting Order 8251]

ELSA INGRISCH

In re: Estate of Elsa Ingris, deceased. File D-28-11256; E. T. sec. 15615.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Strassberger, Maria Hartmannsgruber, Joseph Leonhard, Joseph Reithberger and Fanny Schirovsky, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the sum of \$2,442.58 was paid to the Attorney General of the United States by Elizabeth Helchinger, Administratrix, of the Estate of Elsa Ingris, deceased;

3. That the said sum of \$2,442.58 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on November 15, 1946, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,

Director.

[F. R. Doc. 47-2107; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8252]

PAULINE JACOBS

In re: Trust u/w of Pauline Jacobs, deceased. File 017-14867.

Under the authority of the Trading with the Enemy Act, as amended, Ex-

ecutive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Uhl, Robert Uhl, and Heinrich Uhl, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the issue, names unknown, of Ludwig Uhl, deceased, the Burgomeister or party in charge of Cemetery at Ditzumer Verlaat, Kreis Leer, Ostfriesland, Germany, and the Burgomeister or party in charge of Cemetery at Bad Durkheim, Germany, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Pauline Jacobs, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Robert Bausch, as executor, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Ludwig Uhl, deceased, the Burgomeister or party in charge of Cemetery at Ditzumer Verlaat, Kreis Leer, Ostfriesland, Germany, and the Burgomeister or party in charge of Cemetery at Bad Durkheim, Germany, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,

Director.

[F. R. Doc. 47-2108; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8254]

KILCHIRO KOSAI

In re: Estate of Kilchiro Kosai, deceased. File D-39-6216; E. T. sec. 14676.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Execu-

tive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ben Kosai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the sum of \$1,453.27, in cash, and 2,645 Japanese Yen, was paid to the Attorney General of the United States by Mamie Gregory, Administratrix of the Estate of Kilchiro Kosai, deceased;

3. That the said sum of \$1,453.27, in cash, and 2,645 Japanese Yen, is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Attorney General of the United States by acceptance thereof on January 8, 1947, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL]

DONALD C. COOK,

Director.

[F. R. Doc. 47-2109; Filed, Mar. 6, 1947; 8:46 a. m.]

[Vesting Order 8259]

KARL F. STAHL

In re: Estate of Karl F. Stahl, deceased. File D-28-11499; E. T. sec. 15718.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adelheid Grunsky and Nina (Minna) Haas, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subpara-

NOTICES

graph 1 hereof, and each of them, in and to the estate of Karl F. Stahl, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Minneola L. Stahl, as executrix, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pittsburgh, Pennsylvania;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2110; Filed, Mar. 6, 1947;
8:46 a. m.]

[Vesting Order 8260].

PHILIPP JACOB VOGEL

In re: Estate of Philipp Jacob Vogel, deceased. File No. F-28-4597; E. T. sec. 5254.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Heinrich Vogel (Brother) Heinrich Vogel (Nephew) Johann Georg Vogel (Nephew) Philipp Jacob Vogel (Nephew) and Carl Alexander Vogel (Nephew) and each of them, in and to the estate of Philipp Jacob Vogel, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Heinrich Vogel (Brother), Germany.
Heinrich Vogel (Nephew), Germany.
Johann Georg Vogel (Nephew), Germany.
Philipp Jacob Vogel (Nephew), Germany.
Carl Alexander Vogel (Nephew), Germany.

That such property is in the process of administration by President and Directors of The Manhattan Company, as Successor Trustee, acting under the judicial

supervision of the Surrogate's Court of New York County, New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2111; Filed, Mar. 6, 1947;
8:46 a. m.]

[Vesting Order 8261]

PHILIPP WIRTH

In re: Estate of Philipp Wirth, deceased and trust for the benefit of Henry R. Wirth and Edith Wirth, his wife. File No. D-28-3869; E. T. sec. 6611.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of Minna Bernhard in and to the Estate of Philipp Wirth, deceased, and all right, title, interest and claim of the Cemetery of Bad Kreuznach in and to the Trust created under the Will of Philipp Wirth, deceased, for the benefit of Henry R. Wirth and Edith Wirth,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Minna Bernhard, Germany.
The Cemetery of Bad Kreuznach, Germany.

That such property is in the process of administration by Charles H. Topping, as Executor and Trustee, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2112; Filed, Mar. 6, 1947;
8:46 a. m.]

[Vesting Order 8262]

AMANDUS WITTHOHN

In re: Trust u/w of Amandus Witt-hohn, deceased. File No. D-28-6646; E. T. sec. 4924.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elsa Ahrens and Paul Waacks, and each of them, in and to the trust created under the will of Amandus Witthohn, deceased, is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elsa Ahrens, Germany.
Paul Waacks, Germany.

That such property is in the process of administration by Edward D. Bryde, Trustee, acting under the judicial supervision of Surrogate's Court, Bronx County New York;

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2113; Filed, Mar. 6, 1947;
8:46 a. m.]

[Vesting Order 8271]

SARAH ABRAHAM

In re: Estate of Sarah Abraham, deceased. File D-57-402; E. T. sec. 13513.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob Klinker and Gudel Druckman (Druckmann) whose last known address is Rumania, are residents of Rumania and nationals of a designated enemy country (Rumania).

2. That the sum of \$300.00 was paid to the Alien Property Custodian by Reuben Peltzman, Executor of the Estate of Sarah Abraham, deceased;

3. That the said sum of \$300.00 was property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Rumania),

4. That the said sum of \$300.00 is presently in the possession of the Attorney General of the United States and was property in the process of administration by Reuben Peltzman, Executor of the Estate of Sarah Abraham, acting under the judicial supervision of the Circuit Court of Jackson County, Kansas City, Missouri;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Rumania).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property in the Alien Property Custodian by acceptance thereof on July 16, 1945, pursuant to the Trading with the Enemy Act, as amended.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947:

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2114; Filed, Mar. 6, 1947;
8:46 a. m.]

[Vesting Order 8272]

CARLSTADT MUTUAL LOAN AND BUILDING
ASSN. LIQUIDATING CORP. ET AL.

In re: Carlstadt Mutual Loan and Building Association Liquidating Corporation, etc. File No. D-28-2483; E. T. sec. 3974.

No. 47—7

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Meta Pape in and to the sum of \$407.91 now being held for the benefit of Meta Pape, German national, by the South Bergen Savings and Loan Association, pursuant to the provisions of the Final Decree of the Court of Chancery of New Jersey, dated February 27, 1946.

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Meta Pape, Germany.

That such property is in the process of administration by South Bergen Savings and Loan Association, as Depositary, acting under the judicial supervision of the Court of Chancery of New Jersey, State House Annex, Trenton, New Jersey,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2115; Filed, Mar. 6, 1947;
8:46 a. m.]

[Vesting Order 8273]

ALBERT F. DOERMER

In re: Estate of Albert F. Doermer, deceased. File No. D-28-10664; E. T. sec. 15018.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows:

All right, title, interest and claim of any kind or character whatsoever of Lina Siedenberg, also known as Lina Block and Sophie Burmester, and each of them, in, to, and against the estate of Albert F. Doermer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Lina Siedenberg, also known as Lina Block, Germany.

Sophie Burmester, Germany.

That such property is in the process of administration by Frederick A. Doermer, as Administrator, acting under the judicial supervision of the Surrogate's Court, Bronx County, New York,

And determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2116; Filed, Mar. 6, 1947;
8:46 a. m.]

[Vesting Order 8276]

WENDELL HAMLIN

In re: Estate of Wendell Hamlin, deceased. File D-28-10407; E. T. sec. 14786.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacob Hemmerle, Catherine Bucke and Anna Orth, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children, names unknown, of Jacob Hemmerle, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Wendell Hamlin, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Wendel Knaebel, Chadwicks, Onelda, New York, as executor, acting under the judicial supervision

of the Surrogate's Court of Oneida County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the children of Jacob Hemmerle, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2117; Filed, Mar. 6, 1947;
8:45 a. m.]

[Vesting Order 8277]

AMALIE HARTJE

In re: Estate of Amalie Hartje, deceased. D-28-10887; E. T. sec. 15349.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heinrich Schnulle, Simon Schnulle, Fritz Schnulle, Mrs. Herman Blume, August Schnulle, Wilhelm (William) Schnulle, Miss Augusta Schnulle, Albrecht Schnulle and Sophia Slinkmer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Amalie Hartje, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Leon C. Ward, County Treasurer, Ogle County, Oregon, Illinois, as depositary, acting under the judicial supervision of the County Court of Ogle County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2118; Filed, Mar. 6, 1947;
8:45 a. m.]

[Vesting Order 8279]

MARY M. LIEBIG

Re: Estate of Mary M. Liebig, deceased. File D-28-9328; E. T. sec. 12327.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katherine Erb and Frank Fickler, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Mary M. Liebig, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Joseph F. Callahan, as executor, acting under the judicial supervision of the Probate Court of the City of St. Louis, Missouri;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2119; Filed, Mar. 6, 1947;
8:45 a. m.]

[Vesting Order 8280]

THEODOR MILLER

In re: Estate of Theodor Miller, deceased. File D-28-9298; E. T. sec. 12248.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Herman Miller, Sr. and Johanna Miller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Theodor Miller, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Charles M. Heckel, as administrator, acting under the judicial supervision of the Probate Court of Rice County, City of Chase, State of Kansas;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2120; Filed, Mar. 6, 1947;
8:45 a. m.]

[Vesting Order 8288]

FRANCES ZEPF

In re: Estate of Frances Zepf, deceased. File D-28-10314, E. T. sec. 14704.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the four children of Rosalie Moser, and their issue, names unknown, and the four children of Gertrude Zepf, and their issue, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Frances Zepf, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Frederick B. Conant, Esq., as Executor, acting under the judicial supervision of the Prerogative Court of New Jersey, Trenton, New Jersey

and it is hereby determined:

4. That to the extent that the four children of Rosalie Moser, and their issue, names unknown, and the four children of Gertrude Zepf, and their issue, names unknown, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 24, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-2121; Filed, Mar. 6, 1947;
8:45 a. m.]

[Vesting Order 8309]

MARGUERITE BLASS

In re: Bank accounts, bonds and mortgage certificates owned by Marguerite Blass, also known as Margaretha Blass, as Margarete Blass and as Grete Blass. F-28-801-E-1, F-28-801-E-2, F-28-801-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marguerite Blass, also known as Margaretha Blass, as Margarete Blass

and as Grete Blass, whose last known address is Chamberlainstrasse 25, Berlin-Zehlendorf West, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. That certain debt or other obligation owing to Marguerite Blass, also known as Margaretha Blass, as Margarete Blass and as Grete Blass, by The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a clean credit deposit account, entitled Grete Blass, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Marguerite Blass, also known as Margaretha Blass, as Margarete Blass and as Grete Blass, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a checking account, entitled Mrs. Margarete Blass, and any and all rights to demand, enforce and collect the same,

c. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of The National City Bank of New York, 55 Wall Street, New York 15, New York, together with any and all rights thereunder and thereto, and

d. Two (2) New York Title & Mortgage Co. Series F-1 First Mortgage Certificates, each of \$10,000 face value, bearing the numbers 9426 and 9486, registered in the name of Grete Blass, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

EXHIBIT A

Description of issue	Certificate No.	Face value	Rate of interest (percent)	Due date
Corporate Stock of the City of New York.	7100	\$1,000	4 1/2	Nov. 1, 1937
	2970	1,000	4 1/2	Do.
	2930	1,000	4 1/2	Do.
	3343	1,000	4 1/2	Do.
	3426	1,000	4 1/2	Do.
	3422	1,000	4 1/2	Do.
	3423	1,000	4 1/2	Do.
	2420	1,000	4 1/2	Mar. 1, 1932
State of New York Loan.	2170	1,000	4 1/2	Do.
	2171	1,000	4 1/2	Do.
	745	5,000	4	Mar. 1, 1931
	1049	1,000	4	Do.

[F. R. Doc. 47-2122; Filed, Mar. 6, 1947;
8:45 a. m.]

[Vesting Order 8312]

KIYOMO FUJIKAWA

In re: Stock owned by Kiyomo Fuji-kawa, Tsuruki Okamoto, Hayashige Okamoto and Yoshiko Okamoto. F-39-5780-D-1. F-39-5781-D-1. F-39-5782-D-1. D-39-19016-D-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyomo Fujikawa, Tsuruki Okamoto, Hayashige Okamoto and Yoshiko Okamoto, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan),

2. That the property described as follows: Seventy-two (72) shares of \$50 par value common capital stock of Eagle Laundry Company, 228 West First South Street, Salt Lake City, Utah, a corporation organized under the laws of the State of Utah, evidenced by the certificates listed below, registered in the names of and owned by the persons listed below in the amounts appearing opposite each name as follows:

Registered owner	Certificate No.	Number of shares
Kiyomo Fujikawa.....	10	5
Do.....	37	1
Do.....	61	6
Tsuruki Okamoto.....	17	10
Do.....	63	10
Hayashige Okamoto.....	13	10
Do.....	33	2
Do.....	53	3
Do.....	64	15
Yoshiko Okamoto.....	102	10

together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not

within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2123; Filed, Mar. 6, 1947;
8:45 a. m.]

[Vesting Order 8321]

HARRY RICKHOFF

In re: Stock and bank account owned by Harry Rickhoff. F-28-15068-A-1, F-28-15068-C-1, F-28-15068-D-1, F-28-15068-D-3.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harry Rickhoff, whose last known address is Neuenhaus, District Bentheim, Prov. Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany).

2. That the property described as follows:

a. Ninety-three (93) shares of \$12.50 par value common capital stock of Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, evidenced by certificates numbered E 32051 and F 94859, for 56 and 37 shares, respectively, registered in the name of Harry Rickhoff, and presently in the custody of Mississippi Valley Trust Company, St. Louis, Missouri, in a safekeeping account, entitled Detjen and Detjen, Attorneys in Fact for Harry Rickhoff, together with all declared and unpaid dividends thereon,

b. Eleven (11) shares of \$1.00 par value capital stock of Blair & Co., Inc., 44 Wall Street, New York 5, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number SF5981, registered in the name of Harry Rickhoff, and presently in the custody of Mississippi Valley Trust Company, St. Louis, Missouri, in a safekeeping account, entitled Detjen and Detjen, Attorneys in Fact for Harry Rickhoff, together with all declared and unpaid dividends thereon,

c. Ninety-seven (97) shares of no par value common capital stock of Richfield Oil Corporation, 555 South Flower Street, Los Angeles 13, California, a corporation organized under the laws of the State of Delaware, evidenced by certificate number LA025835, registered in the name of G. Detjen and/or C. W. Detjen, Attorneys in Fact for Harry Rickhoff, and presently in the custody of Mississippi Valley Trust Company, St. Louis, Missouri, in a safekeeping account, entitled Detjen and Detjen, Attorneys in Fact for Harry Rickhoff, together with all declared and unpaid dividends thereon,

d. Two hundred eighty-four and one-half (284½) shares of \$2.00 par value capital stock of Transamerica Corp., 100 West Tenth Street, Wilmington, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered SFM97612 and SFM97613, for 100 shares each, certificate number SFF99342 for 84 shares, and certificate number SFI4679, for ½ share, all registered in the name of Harry Rickhoff, and presently in the custody of Mississippi Valley Trust Company, St. Louis, Missouri, in a safekeeping account, entitled Detjen and Detjen, Attorneys in Fact for Harry Rickhoff, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation of Mississippi Valley Trust Company, St. Louis 2, Missouri, arising out of a blocked account, entitled Detjen & Detjen—Blocked Account—as Attorney-in-fact for Harry Rickhoff, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Harry Rickhoff, the aforesaid national of a designated enemy country (Germany), and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 26, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director

[F. R. Doc. 47-2124; Filed, Mar. 6, 1947;
8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

STOCK DRIVEWAY WITHDRAWAL NO. 88, OREGON NO. 7, REVOKED

The order of the Assistant Secretary of the Interior, dated July 18, 1919, establishing Stock Driveway Withdrawal No. 88, Oregon No. 7, under section 10 of the act of December 29, 1916, 39 Stat. 865, 43 U. S. C., sec. 300, embracing the lands described below is hereby revoked.

WILLAMETTE MERIDIAN

T. 4 N., R. 37 E.,
Sec. 10, lot 1;
Sec. 11, lots 4, 5, 6, and 7;
Sec. 12, lots 1, 2, 3, 4, and N½S½,
Sec. 14, lot 1, NW¼NE¼, and N½NW¼.
T. 5 N., R. 37 E.,
Sec. 25, N½.

The areas described aggregate 1006.02 acres.

All of the lands described above, with the exception of lot 6 sec. 11, T. 4 N., R. 37 E., W. M., are subject to existing withdrawals for power site or power project purposes or are within the Umatilla National Forest.

This order shall become effective immediately as to the leasing for grazing of the lands outside of the national forest and effective at 10:00 a. m. on April 29, 1947 the lands which are within the national forest shall become subject to such application, petition, location or selection as may be authorized by the public land laws.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on April 29, 1947.

At that time lot 6, sec. 11, T. 4 N., R. 37 E., shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from April 29, 1947 to July 29, 1947, inclusive, lot 6 above described shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 9, 1947, to April 29, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on April 29, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on July 29, 1947, any of the land remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from July 9, 1947, to July 29, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on July 29, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, The Dalles, Oregon, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that Title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that Title.

Inquiries concerning these lands shall be addressed to the District Land Office, The Dalles, Oregon.

This lot is located on a gradual slope between Blalock Mountain and the Wallowa River. The land is well watered by springs. There is a considerable stand of pine, tamarack, fir, and mountain ash in addition to various types of brush, bunch grass, cheat and other native cover.

WARNER W. GARDNER,
Assistant Secretary of the Interior.

FEBRUARY 25, 1947.

[F. R. Doc. 47-2078; Filed, Mar. 6, 1947;
8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8158, 8159]

HELEN B. SHIELDS ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Helen B. Shields, Frank J. Anderson and the First Trust Company of St. Paul, Trustees; Florence E. Brown and C. R. Bachman, Trustees, and Florence E. Brown, Guardian (Transferors), and Stanley E. Hubbard (Transferee) File No. B4-TC-514, Docket No. 8158; and I. A. O'Shaugh-

nessy et al. and the Thomas Hamm Breying Company (Transferees), File No. B4-TC-519, Docket No. 8159; for transfer of control of KSTP, Inc. (KSTP), St. Paul, Minnesota.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of February 1947;

The Commission having under consideration the above entitled applications for transfer of control of Station KSTP, St. Paul, Minnesota, and not being satisfied that it is in possession of full information as required by the Communications Act and acting pursuant to section 310 (b) of said act and § 1.321 of the rules of practice and procedure;

It is ordered, That the above entitled applications for transfer of control of Station KSTP, be, and they are hereby designated for hearing before the Commission en banc to be heard in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing on March 13, 1947, upon the following issues:

1. To determine the legal, financial, and other qualifications of each transferee to receive the facilities of KSTP, including the direct or indirect interests of transferees (and parties in interest therein) in other broadcast stations and other business ventures.

2. To obtain full information as to the amount and character of overlapping in service areas, if any, between KSTP and any other station or stations in which transferees (or any parties in interest therein) may have a direct or indirect interest or connection, and whether the application of any such parties may be granted in view of the provisions of § 3.35 of the Commission's rules and regulations.

3. To determine whether KSTP would be used in the furtherance of the other business interests of either transferee or parties in interest therein.

4. To obtain full information as to the arrangements under which the station would be acquired including the price to be paid and effects if any, upon the service, operations, finances, or otherwise.

5. To determine whether the transfer to Hubbard is proposed for the purpose of providing a bona fide broadcast service by the proposed transferee or for the purpose of a retransfer at a higher price.

6. To determine the method and manner of control over KSTP by transferee, Hubbard, including what influence and/or control, if any, over the station would be exercised by Crosley Broadcasting Corporation, or its parent, Aviation Corporation prior to the exercise of the option (of September 21, 1946 between Hubbard and Crosley Broadcasting Corporation) by either of said companies to acquire control of KSTP.

7. To obtain full information with respect to the agreement of November 23, 1927 between KSTP and the St. Paul Association of Commerce granting to the latter certain rights and interests in and to the station, and what effect will be had thereon by transfer of control over the station to either of the proposed transferees.

8. To obtain full information as to the type and character of program service

proposed by each party proposing to acquire control including the amount and character of commercial, sustaining, recorded, live talent programs and spot announcements.

9. To obtain full information as to how the station would be staffed and operated and policies to be followed if the application is granted.

10. To determine which, if either, of the pending applications, if granted would better serve public interest.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 47-2077; Filed, Mar. 6, 1947;
8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-693, G-729, G-757, G-747, G-763, G-765]

MID-CONTINENT GAS TRANSMISSION CO.
ET AL.

ORDER ADVANCING DATE OF HEARING

In the matters of Mid-Continent Gas Transmission Company, Docket No. G-693; Cities Service Gas Company, Docket Nos. G-729, G-757; Northern Natural Gas Company, Docket Nos. G-747, G-763 and G-765.

It appearing to the Commission that: The public hearing in the above-entitled consolidated proceedings was on February 10, 1947, adjourned by the Trial Examiner to reconvene on March 24, 1947, at 10:00 a. m. in the Council Chamber, City Hall, Kansas City, Missouri.

The Commission finds that: It is desirable and in the public interest to advance the date of reconvening said hearing in these consolidated proceedings from March 24, 1947, to March 19, 1947.

The Commission orders that: The public hearing in these proceedings, heretofore consolidated for purposes of hearing by order dated September 17, 1946, be and it hereby is advanced to reconvene on March 19, 1947, at 10:00 a. m., in the Council Chamber, City Hall, Kansas City, Missouri.

Date of issuance: March 3, 1947.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-2100; Filed, Mar. 6, 1947;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 630]

UNLOADING OF LUMBER AT PORTLAND, OREG.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of March A. D. 1947.

It appearing, that two cars, containing lumber, at Portland, Oreg., on the Spokane, Portland and Seattle Railway Company, have been on hand for unreasonable lengths of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an

emergency exists requiring immediate action. It is ordered, that:

(a) *Lumber at Portland, Oreg., on S. P. & S. Ry., be unloaded.* The Spokane, Portland and Seattle Railway Company, its agents or employees, shall unload immediately cars P&LE 48365 and CSTPM&O 59967, containing lumber, on hand at Portland, Oreg., consigned care of Eidell and Clark, Inc.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 5, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 47-2089; Filed, Mar. 6, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-5754, 1-342]

RED BANK OIL CO.

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of February A. D. 1947.

A proceeding having been instituted by the Commission pursuant to section 8 (d) of the Securities Act of 1933 with respect to the registration statement of Red Bank Oil Company upon telegraphic notice to the registrant on August 28, 1945, that the registration statement, filed May 31, 1945, appeared to include

untrue statements of material facts, omitted to state material facts required to be stated and omitted to state material facts necessary to make the statements therein not misleading;

The proceeding under section 8 (d) of the Securities Act of 1933 by order of August 31, 1945 having been consolidated with a proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 with respect to annual reports filed by the registrant pursuant to section 13 of the Securities Exchange Act of 1934;

Hearings having been held, counsel for the Corporation Finance Division having submitted requested findings, and counsel for registrant having filed no objection to the findings requested with respect to the registration statement, oral argument and a trial examiner's report or other intermediate decision having been waived;

The Commission having duly considered the matters, having made and entered its findings and opinions of January 4, 1946, and January 3, 1947, in the consolidated proceedings, and having this day made and entered its supplemental findings and opinion herein; on the basis of the said several findings made and entered

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Red Bank Oil Company May 31, 1945, under said act be, and the same hereby is, suspended.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2083; Filed, Mar. 6, 1947; 8:46 a. m.]

[File No. 70-1319]

DERBY GAS & ELECTRIC CORP. ET AL.

ORDER RELEASING JURISDICTION WITH
RESPECT TO LEGAL FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February A. D. 1947.

In the matter of Derby Gas & Electric Corporation, The Derby Gas and Electric Company, The Danbury and Bethel Gas and Electric Light Company, The Wallingford Gas Light Company, File No. 70-1319.

The Commission having by order dated July 29, 1946 (Holding Company Act Release No. 6813) granted and permitted to become effective an application and declaration filed herein by Derby Gas & Electric Corporation ("Derby") a registered holding company, and its subsidiaries, The Derby Gas and Electric Company, The Danbury and Bethel Gas and Electric Light Company and The Wallingford Gas Light Company, concerning the issuance and sale by Derby of \$2,950,000 principal amount of 2 3/4% Debentures, Series due 1956, and a maximum of 20,166 shares of common stock, the retirement of \$2,450,000 principal amount of Derby's 3% Debentures, Series due 1949, and certain inter-company financing between Derby and its subsidiary com-

panies; and the Commission having by said order reserved jurisdiction to consider the reasonableness of legal fees incurred in connection with said transactions, which had been estimated at \$26,700; and

An application and amendments thereto have been filed by Derby and its above subsidiary companies requesting the Commission to release jurisdiction over legal fees in the revised aggregate amount of \$19,150, and having furnished a statement of the nature and specific amounts of such legal fees, which are as follows:

Simpson Thacher & Bartlett, \$15,000; Milbank, Tweed, Hope, Hadley & McCloy, \$3,750; Harold E. Drew, \$200; and Henry C. Wilson, \$200; and

The Commission having considered said application as amended and it appearing that said legal fees are not unreasonable and that jurisdiction in respect thereof should be released;

It is ordered, That jurisdiction reserved in the order heretofore entered herein on July 29, 1946, with respect to the legal fees of Derby and its subsidiary companies be and hereby is released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2082; Filed, Mar. 6, 1947; 8:46 a. m.]

[File No. 70-1457]

NATIONAL GAS & ELECTRIC CORP.

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of February A. D. 1947.

National Gas & Electric Corporation, a registered holding company, having filed a declaration, as amended, pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the renewal of \$1,100,000 aggregate principal amount of its notes, pursuant to a loan agreement, to Continental Illinois National Bank and Trust Company of Chicago, Girard Trust Company of Philadelphia and The Continental Bank and Trust Company of New York, for a six month period, beginning February 20, 1947, at the interest rate of 1 3/4% per annum upon payment of a fee of 1/4 of one per cent of the principal amount so renewed; and

Said declaration having been filed on the 11th day of February, 1947, and an amendment to the said declaration having been filed on February 18, 1947, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions

of the Act and the Rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective; and

The declarant having requested that the Commission take appropriate action to accelerate its order herein, and that the order become effective forthwith, and the Commission deeming it appropriate to grant such request;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2080; Filed, Mar. 6, 1947;
8:46 a. m.]

[File No. 31-439]

GREAT NORTHERN GAS CO., LTD.

ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of February A. D. 1947.

The Commission having heretofore on December 2, 1938, after a public hearing, ordered that Great Northern Gas Company, Limited, be exempted to the extent specified from certain provisions of the Public Utility Holding Company Act of 1935 applicable to it as a subsidiary company of North Continent Utilities Corporation, a registered holding company and

The Commission, after subsequent applications by Great Northern Gas Company, Limited, having in its order dated February 20, 1946, extended the time during which such order should be effective to January 31, 1947; and

Great Northern Gas Company, Limited, having on February 24, 1947, filed an application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 seeking an extension of the time during which such previous order of this Commission should be effective; and

The Commission having considered such applications and it appearing that the circumstances upon which such original order of exemption was issued still exist and that a further extension of the time during which such order of exemption shall be effective will not be detrimental to the public interest or the interest of investors or consumers;

It is therefore ordered, That the time during which such order of exemption shall be effective be, and hereby is, extended until January 31, 1948, without prejudice to the right of Great Northern Gas Company, Limited, to apply for a further extension of the time during which such order shall be effective and also without prejudice to the right of Great Northern Gas Company, Limited,

to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2031; Filed, Mar. 6, 1947;
8:46 a. m.]

[File Nos. 59-29, 54-128, 59-12, 54-51]

PENNSYLVANIA POWER & LIGHT CO. ET AL.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of February A. D. 1947.

In the matter of Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 59-29; Pennsylvania Power & Light Company, National Power & Light Company and Electric Bond and Share Company, File No. 54-128; Electric Bond and Share Company, National Power & Light Company, et al., File No. 59-12; Electric Bond and Share Company, National Power & Light Company, Pennsylvania Power & Light Company, Lehigh Valley Transit Company, The Edison Illuminating Company of Easton, et al., File No. 54-51. Applications 8, 9 and 10.

Notice is hereby given that a supplemental declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by National Power & Light Company ("National"), a registered holding company. Declarant has designated section 12 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 10, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after March 10, 1947 such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to the provisions of a plan approved by the Commission on October 26, 1945, Pennsylvania Power & Light Company (Pennsylvania), then a subsidiary of National, issued to National

rights to subscribe to 1,818,700 shares of new common stock of Pennsylvania at \$10 per share. National, in turn, through the issuance of warrants, exercisable from December 8 to December 22, 1945, offered such rights to its own common stockholders on a pro-rata basis (the right to purchase $\frac{1}{3}$ of a share of the common stock of Pennsylvania for each share of the common stock of National owned). Of the warrants issued to the holders of National's outstanding 5,456,100 shares, warrants issued with respect to 101,903 shares of the common stock of National, entitling the holders thereof to subscribe to approximately 33,968 shares of the common stock of Pennsylvania, were neither exercised nor disposed of. These shares of common stock of Pennsylvania to which such stockholders were entitled to subscribe to were subscribed to by National in accordance with its obligation under the plan and are at present held by National.

National now proposes that there be paid to the holders of record on December 4, 1945 of such 101,903 shares, an amount of \$3.341176 per share. This amount has been computed by averaging the closing price of the warrants on the New York Stock Exchange during the period within which such warrants were traded on the Exchange, less a deduction of 20% of such average closing price. The deduction is proposed in order to compensate National for expenses and risks incurred by it in connection with its obligations under the plan to subscribe for any shares of new Pennsylvania common stock not subscribed for by National's stockholders.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2024; Filed, Mar. 6, 1947;
8:46 a. m.]

[File No. 30-83]

ARKANSAS-MISSOURI POWER CORP.

FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23th day of February 1947.

Arkansas-Missouri Power Corporation ("Arkansas") a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 reciting, among other things, that on June 6, 1945, it disposed of its interest in East Missouri Power Company, its former public utility subsidiary, pursuant to order of this Commission dated June 1, 1945 (Holding Company Act Release No. 5345), and further reciting that Arkansas does not now directly or indirectly own, control, or hold with power to vote, any outstanding voting securities of any public utility company or holding company, as defined in the act, and requesting an order finding and declaring that it has ceased to be a holding company; and

Arkansas having filed a Certificate of Notification stating that on January 31, 1947, it transferred all its remaining properties and assets to Arkansas-Missouri Power Company, an Arkansas corporation, pursuant to order of this Commission dated January 29, 1947 (Holding Company Act Release No. 7164), and

A notice of filing with respect to said application having been issued on November 21, 1946, said notice having stated that any interested person may not later than December 16, 1946, request the Commission in writing that a hearing be held on such matter, and the Commission not having received a request for hearing with respect to said application within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Arkansas has ceased to be a holding company and that its registration as such should cease to be in effect and that it is not necessary to impose any terms or conditions in connection with the termination of such registration:

It is ordered and declared, That Arkansas-Missouri Power Corporation has ceased to be a holding company and that its registration as such shall from the date of entry of this order cease to be effective.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2038; Filed, Mar. 6, 1947;
8:47 a. m.]

[File No. 70-1454]

MIDDLE WEST CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of February 1947.

The Middle West Corporation ("Middle West") a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act") and certain rules and regulations thereunder regarding the following transactions:

Middle West proposes to pay to its subsidiary, Kentucky Utilities Company ("Kentucky"), \$1,500,000 as a contribution to its common stock capital, and, subject to the further approval of the Commission, to acquire an equal par amount of common stock of Kentucky which will be issued by Kentucky as a part of a comprehensive refinancing plan which the declarant states will be filed shortly with the Commission. It is stated that these funds are necessary to finance in part an extensive construction program by Kentucky calling for cash above its own available funds.

The declaration was filed February 10, 1947. Notice of this filing was duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission has not received a request for hearing with respect thereto within the period prescribed in said notice, or otherwise, and has not ordered a hearing thereon.

The Commission finding with respect to this declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act and subject to the terms and provisions prescribed in Rule U-24 that this declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2085; Filed, Mar. 6, 1947;
8:46 a. m.]

[File No. 70-1456]

BUFFALO NIAGARA ELECTRIC CORP. AND
NIAGARA FALLS POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of February 1947.

Buffalo Niagara Electric Corporation ("Buffalo") a subsidiary of Niagara Hudson Power Corporation, in turn, a subsidiary of The United Corporation, a registered holding company, and The Niagara Falls Power Company ("Niagara") a subsidiary of Buffalo, having filed a joint declaration, pursuant to Rule U-44 promulgated under the provisions of the Public Utility Holding Company Act of 1935, regarding the sale by Buffalo to Niagara of certain water rights consisting of the right to take 262.6 cubic feet per second of water from the Hydraulic Basin of Niagara in the City of Niagara Falls. The water rights are presently owned by Buffalo and leased to Niagara which utilizes such rights exclusively for the generation of hydro-electric power.

The consideration for the conveyance and the release from certain obligations now required to be performed by Niagara is \$728,415.48, an amount equivalent to the original cost of the water rights, as recorded on the books of Buffalo.

The proposed transaction having been approved by the Public Service Commission of the State of New York on February 5, 1947; and

Said declaration having been filed on February 12, 1947, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in such notice or otherwise, and not having ordered a hearing thereon; and

Declarants having requested that the Commission's order permitting the declaration to become effective be issued within fifteen days from the date of filing; and

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that said joint declaration be permitted to become effective immediately.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2086; Filed, Mar. 6, 1947;
8:47 a. m.]

[File No. 30-118]

NORTHEASTERN WATER CO.

ORDER TERMINATING REGISTRATION AS HOLDING COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of February 1947.

Northeastern Water Company (formerly Northeastern Water and Electric Corporation), a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that it has ceased to be a holding company and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter, and having made and filed its findings and opinion herein; and

The Commission finding that Northeastern Water Company has ceased to be a holding company:

It is ordered and declared, That Northeastern Water Company has ceased to be a holding company and that the registration of said company as a holding company cease to be in effect forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 47-2087; Filed, Mar. 6, 1947;
8:47 a. m.]